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ABSTRACT

This document provides witness testimony and prepared statements from five sessions of the Congressional hearing called to consider the question of pornographic material and its effects on women and children. Witnesses include several victims of sexual abuse, medical personnel, legal and law enforcement personnel, magazine representatives, and women who have appeared in pornographic films. The effects of sex and violence portrayed in magazines, in movies, and on television are considered, and the possibility that pornography may be a cause of child molestation is examined. The question of pornography as it may relate to abuse and molestation of children is explored, pornography as it may relate to problems of women is discussed, and pornography ordinances from Indianapolis and Minneapolis are examined. The final session contains testimony from individuals who believe that the materials under investigation are within the ambit of first amendment freedom. Relevant materials submitted for consideration appear throughout the document. (NRB)

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S. Hrg. 98-1267

EFFECT OF PORNOGRAPHY ON WOMEN AND CHILDREN

HEARINGS

BEFORE THE

SUBCOMMITTEE ON JUVENILE JUSTICE

OF THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

SECOND SESSION

ON

OVERSIGHT ON PORNOGRAPHY, MAGAZINES OF A VARIETY OF COURSES, INQUIRING INTO THE SUBJECT OF THEIR IMPACT ON CHILD ABUSE, CHILD MOLESTATION, AND PROBLEMS OF CONDUCT AGAINST WOMEN

WASHINGTON, DC
AUGUST 8, SEPTEMBER 12 AND 25, AND OCTOBER 30, 1984

PITTSBURGH, PA
OCTOBER 18, 1984

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EFFECT OF PORNOGRAPHY ON WOMEN AND CHILDREN

WEDNESDAY, AUGUST 8, 1984

U.S. SENATE,
SUBCOMMITTEE ON JUVENILE JUSTICE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met at 9:30 a.m., in room 562, Dirksen Senate Office Building, Hon. Arlen Specter (chairman of the subcommittee) presiding.

Present: Senators Denton and Grassley.

Staff present: Mary Louise Westmoreland, chief counsel; Bruce King, counsel; Tracy McGee, chief clerk; Rick Holcolm, counsel, office of Senator Denton; and Lynda L. Nersesian, counsel, office of Senator Grassley.

OPENING STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA, CHAIRMAN, SUBCOMMITTEE ON JUVENILE JUSTICE

Senator SPECTER. Good morning, ladies and gentlemen. The Subcommittee on Juvenile Justice of the Judiciary Committee will commence.

Today we will be considering the question of pornographic material, obscene materials as they relate to juvenile sexual abuse.

The matter first came to the subcommittee's attention in a variety of contexts. One was the publication and dissemination of a book, "How to Have Sex with Kids." Other hearings have been held by this subcommittee on the subject of child molestation generally.

Last week, in oversight hearings in the Office of Juvenile Justice and Delinquency Prevention, extensive testimony was heard on the issue of the possible causal connection between obscene materials and sexual abuse of children.

In my own experience as district attorney of Philadelphia, going back some 25 years in the district attorney's office, having seen materials which were in use back say in 1959, they are vastly different from what is available today. It may be that the recent upsurge in cases of child molestation is something that has always been with us, or there may in fact be a significant increase. The matter is characterized as a coast-to-coast problem, with the case in Manhattan Beach, CA, having surfaced several months ago with extensive molestation of children, and in the course of the past several days, the events in the Bronx in a day care center where a number of children are alleged to have been sexually molested.

It is my own speculation that there is more child molestation today than there was a quarter of a century ago. It may be that more is coming to light at this time, but my sense is that there is more, and that is based upon the activities that I had as district attorney of Philadelphia where, notwithstanding things that could not be proved, most of what was going on was known at least on an informal basis to law enforcement officials. If that is so, there may be some linkage with the upsurge in pornographic materials, or it may be that child molestation has been with us to the extent that it is now and there is no causal connection. But those are subject matters which are of great importance and those are subject matters which this committee is going to be considering.

Our lead witness had been scheduled to be Mr. Kenneth Lanning, supervisory special agent, Federal Bureau of Investigation, but I would like to call first for some brief testimony by Councilwoman Joan Specter, my wife, who brought the book, "How to Have Sex with Kids," to my attention initially and to the subcommittee's attention.

Keep your seat, Agent Lanning. That is fine. There are plenty of chairs.

Joan had not anticipated being in town and available for this hearing, but she is here and I think it is informative and illustrative to see the impact of a book, "How to Have Sex with Kids," as it plays out in a city like Philadelphia with a councilwoman like Joan Specter.

Senator Denton has joined us at this time. I welcome you, my colleague, and before beginning with the testimony, I look forward to your opening statement, Senator.

We will hear from Senator Denton at this time. He has a commitment to preside at the Senate at 10 o'clock at its being opened.

OPENING STATEMENT OF HON. JEREMIAH DENTON, A U.S. SENATOR FROM THE STATE OF ALABAMA

Senator DENTON. Thank you, Mr. Chairman.

Mr. Chairman, I commend you for your leadership role in the juvenile justice area. Specifically, I commend you for holding this hearing to examine the important issue of pornography and how it affects our Nation's youth. I also commend you for using this hearing to address the obscene publication entitled "How To Have Sex With Kids "

Mr. Chairman, the Labor and Human Resources Committee's Subcommittee on Family and Human Services, which I chair, held a series of hearings on the breakdown of the family in the United States, as well as a series of hearings on the reauthorization legislation for the Child Abuse Prevention and Treatment and Adoption Reform Act. The subcommittee heard testimony from a number of professionals in the child abuse community that the effects of child abuse, including child sexual abuse, linger long after the bruises heal. The vast majority of felons now behind bars are said to have been abused as children. In addition, there is sad evidence that the children who have been abused are more likely to grow up and become child abusers themselves.

Additionally, as a member of the Committee on the Judiciary, I presided over hearings on the subject of organized crime's influence in pornography industry. There are reports which indicate that organized crime dominates distribution of pornography in the United States, and invests the profits in other criminal activities such as loansharking and narcotics. In my capacity as chairman of the Subcommittee on Security and Terrorism, I have jurisdiction over the Drug Enforcement Administration. So the subject which is the object of the testimony here this morning ties in with information which I have received for other sources.

To this Senator, today's hearing is important in itself, but is even more important in a context more general than child pornography.

The appalling aspects of child pornography, as bad as they are in themselves, are more appalling in that those aspects are symptomatic of a malaise in this Nation—a malaise in which national attitudes and behavior with respect to human sexuality have been subjected to influences that tend to prostitute, degrade, and pervert. These influences have been too widely causative of human unhappiness, injustice, cruelty, and destructive of the constitutional mandate that Government promote the general welfare. All these influences are in themselves destructive of three of our most basic human rights: Life, liberty, and the pursuit of happiness.

It would be comical to assert that sex causes social problems. Sex is a joy, the means to procreation, and has always been and always will be highly susceptible to being indulged in unfortunate ways.

But everything is relative.

The timely truth of today is manifest in many statements from liberals, Democrats, and those who may be called feminists. I join them in emphasizing, along with other conservatives and Republicans, that this Nation's people are being subjected to such an environment of television, print, radio, and other media which would justify a charge that all three branches of government have been and are being negligent in what amounts to permitting egregiously and relatively unprecedented prostitution of sexual misbehavior in commercial presentations which engender harmful behavior. This is not to say that government is solely to blame or that government is the only or proper source of remedy. It is to say that the general welfare is being damaged and that human rights are being abused—both being proper concerns of government. It is to say that the worsening situation requires government to address these concerns.

I hope we try to do our duty by addressing with courage, realism, and bipartisanship the question of what can and reasonably should be done by way of government action in policy development, adjudication, improved law enforcement, regulation, and legislation in this subject area.

Let us become more specific.

The testimony of Curtis Sliwa, founder and director for the Alliance of Guardian Angels of New York City, given before subcommittee in July 1981, concerning violent juvenile crime is an excellent point of departure. The witness stated that a prime cause of juvenile crime and violence would be the type of role model that has been submitted to our young people to follow and try to emulate. Our TV tubes, magazine racks, movie screens, radios, and live stage all thrust role models at our youth, models which are badly flawed.

Or in the words of Morton M. Kondracke, writing for the Washington Post, "* * * it might help, too, if President Reagan would speak to Hollywood about the extent to which they have oversexed American society."

We are killing our own society by virtue of some perverse propensity to create these role models. There is nothing new about it, but this so-called new morality that we are buying is the old immorality that delayed the dawn of civilization, and interrupted civilization in any society which fully adopted the so-called new morality. The "me for me" kick is the beginning of the end of a society when it takes over to the degree it has.

> Television portrays a situation in which affection and intimacy are viewed as inappropriate to the real world. Sex is often seen as a dirty joke or an exciting and dangerous activity that frequently leads to trouble.

That is not just my opinion; it is from an updated 1972 Surgeon General's report.

Movies, whether they are labeled PG, R or X, which link sex primarily with violence, which discuss sex most frequently in the context of rape or other sex crimes, presented for entertainment value, and which seldom portray sexual relationships as warm, loving, or stable, do not present an accurate and honest portrayal of human sexuality and are destructive of the general welfare. Sex is regularly shown as unsatisfactory within the marital bond. This is the stuff of the new morality.

The correlation between pornographic materials and antisocial behavior is strong. Studies indicate that exposure to films portraying violent sexuality increases male acceptance of violent aggression against women.

Law enforcement officers say they routinely find pornographic materials when they investigate sex crimes against children.

A study by Michigan State Police Detective Lieutenant Darrell Pope demonstrated that of 38,000 sexual assault cases on file in Michigan, 41 percent involved some use of pornographic materials just prior to the act or during the act.

The effect of pornography, as translated into human terms, is tragic.

According to news reports, on the east coast last summer, a 5-year old girl was gang raped by five young boys, aged 10 to 13. The boys had been watching pornographic movies on the television set in the motel rooms where their families were staying.

At this point, I would like to make a part of the record an article entitled "Sex on TV: How to Protect Your Child," which appeared in the August 7, 1982, issue of TV Guide, along with other articles which deal with the topic.

Senator SPECTER. Without objection, so ordered.

[The following was received for the record:]

TELEVISION AND YOUR FAMILY

SEX ON TV: HOW TO PROTECT YOUR CHILD

By Dorothy Singer and Jerome Singer

The experiences of love and tenderness and the warmth of physical contact between a parent and child are widely recognized by child-development specialists as crucial features in normal growth. Such closeness helps the child to gain self-esteem and to trust others. Television programs that reflect such experiences—parents concerned about an ailing child, for example; boys and girls cuddling a stuffed toy or a pet—are especially appealing to the very young. Portrayals of family affection seem to play an important part in helping preadolescents feel comfortable about themselves.

But the fact is that there are relatively few regular TV programs that depict the kinds of love and tenderness youngsters can really understand. More often, the shows children watch—adult-oriented situation comedies, soaps and adventure shows—contain a tremendous amount of sexual innuendo: suggestively clad characters, flirtation, teasing and posturing. Thus, TV confronts children with adult references to sex to a degree that may have been unthinkable before the television set became a fixture in our homes. Some children may even develop the impression that sex is more closely related to violence and vulgarity (note the number of prostitutes on prime time, or of scenes suggesting rape) than to love and intimacy.

These are impressions children can garner from the networks, which have fairly careful self-imposed restrictions on what sex scenes they will broadcast. Now, the expansion of cable and pay-TV has brought uncut feature films with far more explicit sexual scenes into the home, too, where children may watch unsupervised.

Moral implications aside, child psychologists agree that most youngsters cannot make sense of many sexual scenes. To an adult, a scene in which a loving couple embraces and falls onto a bed may be enjoyable or even arousing; to a 5-year-old, it may well be frightening and confusing. Many times, the parent may not be in the room to mediate or explain what the scene is about.

A Harvard University study of 1400 parents of children between 3 and 11 years indicated that more than half the families believed that children learned about sexuality from television more than from any other source besides parents themselves. A surprising number of parents reported that they rarely discussed sex with their children, but admitted that they noticed their children (particularly heavy view- →

continued

ers) picking up a great many ideas about sex—and a corresponding interest in it—from the tube. TV *can* indeed be a useful aid for dispensing information about sex and health. Last winter, for instance, two programs on CBS dealt sensitively with sex and pregnancy.

An episode of *Archie Bunker's Place* handled the controversy about sex education with humor and intelligence. At first Archie took a characteristically extreme position, stating flatly that the schools had no business teaching anything about sex. Then one of Stephanie's friends—a teen-ager who had gotten it into her mind that it was impossible to conceive a child during her first act of sexual intercourse—became pregnant, and Archie changed his mind. Clear, objective sex education, he realized, could have helped the girl avoid making her mistake. This show was an excellent opportunity for parents to broach the subject of sex with their children.

On *One Day at a Time*, the young daughter Barbara was afraid that her marriage plans would dissolve when she learned that a medical problem could make her unable to conceive children. This program about a particularly sensitive issue was approached with maturity and good taste. Here again, a parent could pick up some of Barbara's concerns, such as a need to be a "complete" woman—that is, one who can bear a child—and her fear that her fiance would no longer want her because she was "flawed." A parent could use the show as an occasion to discuss how some people feel about sterility, and how adoption can offer a couple love, joy and the pleasures of parenthood.

While watching for programs that can be the catalyst for discussion, parents must also be on guard for programs that could distort children's ideas about sex, such as a recent episode on *CHiPs*. It involved a male stripper in an all-female night club. Many parents who had not consulted their local listings ahead of time might not have been prepared for what seems to us a tasteless segment. One way a parent could have explained the episode is: "There actually are such night clubs, but most women prefer to think of attractive men as total human beings, not just as objects to stare at and shout about. We think it's a loss of dignity for the man and for the women who come to gaze at him. Why not just enjoy the rest of *CHiPs* and think of this part as amusing to some people, not necessarily us?" Each family handles such things differently, of course, but the point is to make certain that such video incidents never go *without* comment. If they do, children may assume that what they see on television is genuinely valuable or even commonplace.

The networks have some responsibility, we believe, to present sexual material with restraint and good taste, but ultimately it is up to each parent to determine what a child can or cannot watch. We suggest that parents try to preselect programs they feel will be suitable for their young children. Checking your local listings each week is one way to begin. If a sexual scene unexpectedly appears in a program *that you have chosen to watch*, try to explain what the scene means in language your child understands. It is not necessary to give a very young child more information than he or she can grasp. Even on family programs such as *The Waltons*, or *Little House on the Prairie*, there will be scenes of embracing. But a child will usually not be upset by the signs of affection among the characters he sees regularly.

With older children, you may have to play a more active part. Obviously, it is difficult to control an older child's TV-viewing, since children visit their friends or may be home when you are not. Open discussion about sex on television, *as you deem appropriate*, including your own rules for movie-viewing and your own taste and judgment in entertainment, should be a good start. Finally, some of the afternoon specials for the young adolescent could be viewed by a parent and teen-ager together. The programs with sexual themes can be starting points for good discussions with your children. ■

(From the Arizona Republic May 8, 1984)

'Old Fogy' Laments Demise

William
Raspberry

The Washington Post

Washington

This will come as no news whatever to my children, but some of my friends who fancy me sophisticated may be a little surprised. I have become, at too tender an age, an old fogy.

Not across the board, mind you. I don't get upset when I see young people wearing things that would have been ridiculous in "my day." I'm not driven to sermonizing by the sight of a young man with purple [illegible] or a gold ring in his ear.

I'm a [illegible]ited old fogy, specializing in movies. It is my sad conclusion that there are few films fit for my children to watch, and even fewer fit for us to watch together.

The demise of the family movie first hit me several years back, when my wife and I took the kids to see Walt Disney's *Fantasia*. We thought it was brilliant. The kids found it about as exciting as *Wall Street Week*.

Much later, the kids took us to see *Fame* — the movie, not the TV serial. They found it wonderful. We found the language embarrassing.

One of these days, my wife and I found ourselves repeating somebody is going to open a theater specializing in pictures that families can see together, and that genius is going to make a mint. Well, a local group took over the Takoma Theater here, put on nothing but family-oriented movies, many of them children's classics, and they lost their shirt. Nobody went.

After that, I am ashamed to say, I stopped paying much attention to what the children were seeing. If it wasn't rated "X" or "R," in which case they couldn't get in, I left it to the kids themselves. I'd ask them what the movie was about, without pushing too hard for details.

That changed a year or so ago when I yielded to family pressure and my own fondness for gadgetry. I bought a video-cassette recorder and a membership in a video club.

The children are delighted. They can see all the movies I've never heard of (but which somehow are well-known in their adolescent underworld). My wife and I are distraught. It's bad enough letting your children see some of the brutal, macabre, sexually explicit movies that somehow manage to attract a "PG" label; but bringing them into your own home implies a degree of condonation that makes me decidedly uncomfortable.

I'm not looking to limit the children's viewing to *Bambi* and *Cinderella*. I don't even mind a little violence and sex — so long as it's the sort of violence we had in the good old days of *Shane*, and the sex that we had to imagine while watching waves crash against the seawall.

I've just seen a news story to the effect that Thomas Nelson, Inc., the world's largest publisher of Bibles, will shortly introduce a series of paperback romances with "a Christian point of view."

No more soft porn, "rape with consent" or "bodice rippers," promises Editor Etta Wilson. Just good, clean romantic stuff that ordinary decent people can identify with, full of "tenderness and electricity and texture," but without sex as "the ultimate fulfillment."

Wilson acknowledges that the undertaking is something of a gamble, but she believes there are enough old fogies to provide a market for what she has in mind.

I wish her luck. But I think I'll wait for the movies.

THE NATIONAL DECENCY
REPORTER

Proof Porn Hurts From Fort Wayne

from Sentinel, Oct. 2, 1982

To the editor:

The Sept. 22 issue of The News-Sentinel carried a story concerning a man who pled guilty in Allen Superior Court to child molesting and contributing to the delinquency of a minor.

For the story: "William D. Mooney admitted taking two 12-year-old girls to his apartment last Nov. 15, giving them beer and fondling them. Police said Mooney picked up the two girls and a 15-year-old boy at a local service station and drove them to his apartment. Mooney provided the group with marijuana and beer and showed the pornographic magazines, according to police."

We invite the response of those who defend the "right" to distribute and exhibit obscene materials in Fort Wayne, as well as those who profess to find no connection between pornography and sex crimes.

EXECUTIVE BOARD
Fort Wayne Citizens
for Decency through Law

'Kiddie Porn' Trade Rising, Study Reports

From Police Times

The use of young children as pornography "stars" is increasing across the nation, despite five years of concerned efforts to curtail the trade, according to a new study by the U.S. General Accounting Office.

The new "sexploitation" underground is employing advanced video techniques and complicated mail-drop delivery schemes to thwart detection and prosecution, according to the GAO report, prepared for the House Committee on Education and Labor.

The report, "Sexual Exploitation of Children—A Problem of Unknown Magnitude," is based on information from top officials in 22 states. The GAO says it was not possible to give an exact figure on the number of children and teenagers being swooped up by the burgeoning sexploitation rings, but it quotes individual regional authorities whose estimates run into the tens of thousands.

"During their sexual activity with children," the report says, the kiddie porn enthusiasts "take photographs and movies which they use for later sexual fantasies." These video cassettes and color photographs are then duplicated and "swapped" or sold to others throughout the country who are also amassing private libraries of recorded sexual crimes with children.

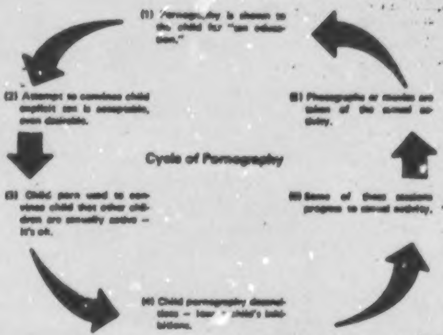
Evidence indicates that thousands of such kiddie porn producers have linked up in "clubs," which form a loose-knit network stretching from coast to coast. The report indicates that some retail outlets continue to deal in the new kiddie porn—but only with "favored customers."

Law enforcement officials reported a flourishing black market for child pornography in Los Angeles, an "immediate and major" problem in New York, a "voluminous mail-order business" in such materials in Texas and the willingness of some parents to allow their children to be used as child porn "models" in Illinois. In both New York and Los Angeles, police reported that persons seeking actual sexual contacts with children were the main patrons of the kiddie porn market.

WE CAN! Understand the Role of Pornography

- How Does Sexual Abuse Begin? Continue?

One of the most common questions asked about child sexual abuse is: "How does it begin?" This child pornography diagram helps to explain one process in which child sexual abuse victims are seduced either within or outside the family.


(1) Pornography is shown to the child for "sex education."
(2) Attempt to convince child explicit sex is acceptable, even desirable.
Cycle of Pornography
(6) Photographs or movies are taken of the sexual activity.
(3) Child porn used to convince child that other children are sexually active – it's ok.
(5) Some of these sessions progress to sexual activity.
(4) Child pornography desensitizes – lowers child's inhibitions.

This chart has been excerpted from the pamphlet "We can! Combat Child Abuse", by Shirley J. O'Brien, published September 1982 by the College of Agriculture Cooperative Extension Service, The University of Arizona, Tucson, Arizona. Copies are available through CDL at a price of $1.00 per copy.

THE ARIZONA REPUBLIC
DECEMBER 9, 1983

Rape, men's-magazine readership are linked in study of 'macho sex'

United Press International

CONCORD, N.H. — States with the highest readership of men's magazines also have the highest incidence of reported rapes, University of New Hampshire researchers found in a study linking "macho" attitudes with violent sex.

Alaska claimed the highest per capita rapes, 72 per 100,000 people, and the highest percent of male-magazine readers, about a fifth of the state's adult population, the researchers said.

Nevada was No. 2 in reported rapes and in sales of pornographic magazines, the study found, detecting a common thread of high reported rape and pornography in several Western states.

"West Coast states tend to be high in sex-magazine readership and rape," said Murray Straus, a UNH sociologist and co-author of the study. "The frontier — with its sort of macho orientation — part of that is to use force to get what you want."

California, Colorado and Arizona also were listed among the top 10 states in reported rapes and men's-magazine sales, the study said.

North Dakota had the lowest reported rape level, while men's-magazine sales ranked 31st. Iowa, Maine, Rhode Island and West Virginia also were ranked low in sales and reported rapes.

But the researchers' home state was an exception: New Hampshire was ranked 44th in reported rapes but 14th in men's-magazine sales.

The study recently was presented at the annual meeting of the American Society of Criminology.

DEC. 1982 - Published by Citizens for Decency Through Law, INC. -
Vol. 19, No. 6 - The National Decency Reporter

New Study Confirms Causal Relationship Between T.V. Violence and Aggressive Behavior. Tags Entertainment T.V. as Sex Educator.

The National Institute of Mental Health recently issued a federally sponsored report, entitled "Television and Behavior: Ten years of Scientific Progress and Implications for the Eighties." This report updates the 1972 Surgeon General's study on the effect of T.V. on behavior.

CAUSAL LINK BETWEEN T.V. VIOLENCE AND AGGRESSION

In their update, the report confirms earlier findings that there is a causal relationship between viewing televised violence and later aggressive behavior. The report states:

> After ten more years of research, the consensus among most of the research community is that violence on television does lead to aggressive behavior by children and teenagers who watch the programs.

On this point the report concludes:

> The scientific support for the causal relationship derives from the convergence of findings from many studies, the great majority of which demonstrate a positive relationship between televised violence and later aggressive behavior.

According to the report, the effects of televised violence may be even *more extensive than previously imagined:*

> Research evidence accumulated during the past decade suggests that the viewer learns more than aggressive behavior from televised violence. The viewer learns to be a victim and to identify with victims. As a result, many heavy viewers may exhibit fear and apprehension, while other heavy viewers may be influenced toward aggressive behavior. Thus, the effects of televised violence may be even more extensive than suggested by earlier studies, and they may be exhibited in more subtle forms of behavior than aggression.

T.V. AS "SEX EDUCATOR"?

The Report observes: "[I]n recent years, entertainment television as a socializing force in the lives of children has become conspicuous in the area of sex education." The Report lists four characteristics of TV which make it a prime "sex educator":

> (1) Most programs watched by children are intended for adults;
> (2) Children have little experience to contradict or balance what they see on television;
> (3) Television is remarkably realistic, and
> (4) Television gives constant messages about sexuality.

The Report concludes:

> Although television does not deliberately intend to educate children about sexuality, its characteristic and consistent messages, together with a typical lack of sexual discussion between parents and children, mean that *entertainment television has become an important sex educator.* (Our emphasis).

T.V. AS SEX EDUCATOR: HOW ACCURATE?

Dorothy and Jerome Singer in their article entitled "Sex on T.V.: How to Protect Your Child," appearing in the August [illegible], 1982 edition of *T.V. Guide*, remarked:

> T.V. confronts children with adult references to sex to a degree that may have been unthinkable before the television set became a fixture in our homes. *Some children may even develop the impression that sex is more closely related to violence and vulgarity (note the number of prostitutes on prime time, or of scenes suggesting rape) than to love and intimacy.*
>
> These are impressions children can garner from the networks, which have fairly careful self-imposed restrictions on what sex scenes they will broadcast. *Now, the expansion of cable and pay-T.V. has brought uncut feature films with far more explicit sexual scenes into the home, too, where children may watch unsupervised.* (Our emphasis).

The National Institute of Mental Health recites the following alarming statistics:

> Explicit erotic activity has not appeared on television — at least not yet — but there was an increase in flirtations behavior and sexual innuendo in the 1970s."
> (Editor's note: This situation has radically changed. With the advent of subscription and cable T.V. services, hard-core pornography is now regularly shown in cities across the United States.)

The report continues:

> On television, most sexual references, either verbal or implied by the action, are to extramarital sex; *this occurs five times as often as references to sexual activity between married couples.* References to intercourse with prostitutes is next in frequency. *A total of about 70 percent of references to sexual activity are to extramarital sex or to prostitution.* Sex is commonly linked with violence. On dramatic and action shows, discussions of sex are often in the context of rape or other sex crimes. Erotic relationships are seldom seen as warm, loving or stable. (Our emphasis).

The report makes this disturbing observation:

> Television portrays a situation in which affection and intimacy are viewed as inappropriate to the real world. Sex is often seen as a dirty joke or an exciting and dangerous activity that frequently leads to trouble.

The Report of the National Institution of Mental Health should be of special interest to parents and others who seek to know of both the positive and adverse effects of the medium of T.V. and of the ways in which they can influence them. Copies of the report can be obtained by writing the National Institute of Mental Health, 5600 Fishers Lane, Rockville, Maryland 20857.

THE NATIONAL DECENCY
REPORTER

Published by Citizens For Decency Through Law Inc.
Vol. 20, No. 2 - March - April 1983

Memorandum On Methods To Halt Distribution Of Obscene Television Video Cassettes

One of the latest and most potentially devastating developments in the international market of obscene motion pictures is the use of television video cassettes. It has only been within the last couple of years that it has been possible to provide obscene films to the general public on cassettes which are capable of being placed on television video recorders. These recorders attach to an ordinary television set and allow the owner to tape any program which is televised for playback at a later time. However, since the machine plays from a video cassette, whether a recorded television performance or prerecorded in a studio, anyone who owns such a machine can purchase ready made films for play on privately owned television sets. Since 1979, there has been an explosion in the market for obscene films being distributed across the country through the medium of such video cassettes. It is now common to see advertisements in virtually all adult magazines and "Video" journals offering the sale of these cassettes for obscene films. Examples of these advertisements can be found in such magazines as Penthouse and Hustler, and in many daily newspapers.

It has also come to our attention that the pornography industry and the organized crime families are capitalizing on the profit and success which can be achieved through the sale and rental of television video cassettes. We have also seen the opening of adult stores catering exclusively to the video tape market, and the offering of video tapes by adult theatres and many "legitimate" video rental and record stores. The prices being asked for individual video tapes are in the range of $65 to $100, with rentals at around $5 to $10 per day.

Basic to any action, whether criminal, injunction, or nuisance, is the ability to present the particular film to the court for determination as to its obscenity. In the emerging video cassette problem, the methods by which such films can be obtained is somewhat more limited than for magazines which are sold or films which are shown at particular outlets. In magazine cases, individual issues can be purchased by the police for $5 to $20 each. For the theater which continuously shows the same movies a police officer can view them for a single admission price and return with search warrants for their seizure. These methods are not as feasible in video-porn actions. In the case of video cassettes, one method that can be used is that used against magazines. This would entail the rental or purchase of individual cassettes for each of the big name films. The prosecutor would have to be willing to spend several hundred dollars in order to close down the market for enough of the well-known films to cause the economic impact necessary to achieve successful results. However, once this expenditure is made and the more popular films are removed from the jurisdiction, the prosecution should not anticipate having to spend any further funds to keep these films from distribution in your area. In terms of the cost of ordinary criminal actions on staff and court time, the benefits would be well worth the investment.

It is possible that prosecutors can obtain copies of video cassettes for evidence through search warrant procedures. Any valid search warrant, however, must be supported by an adequate description of the subject films in order to allow the issuing judge to determine whether the particular films sought to be seized are probably obscene. In the case of regularly scheduled theater films, a police officer can view the film and describe it in his application for a search warrant. As to video porn, however, this method would still entail obtaining or viewing the video, in order to describe it to the judge. It may be that in particular instances law enforcement authorities can be supplied copies of video films which have been purchased by individual customers, supplied by informants within the obscenity industry, or obtained through the joining of various video clubs or rentals of such films.

Though the search and seizure and presentation of evidence problems in the video-port prosecution, injunctions, and nuisance actions are somewhat more subject to expense and care, these difficulties are well worth solving in light of the absolute success which can be obtained when the particularly well-known and important obscene films are virtually eliminated throughout the jurisdiction of the court.

METHODS OF CONTROL

For law enforcement, the market for video tapes presents an opportunity to achieve a significant amount of success which is not as costly or difficult as efforts against the unlimited titles common in the magazine and regular film trade. At least in this stage of the video-porn industry, the market is being advertised mainly for big name films. Advertisements commonly offer such titles as "Deep Throat", "Misty Beethoven", "Devil in Miss Jones", "Behind the Green Door", "Debbie Does Dallas", and a series call "Swedish Erotica". These titles are well known to much of the public that is interested in pornography and appear to be those upon which the pornography industry seeks to build its basis for the distribution of video porn. This offers law enforcement the opportunity at this time to make a substantial impact upon the direction and future success of this entire industry.

Injunction. One of the most successful methods of halting the distribution of video porn in any jurisdiction is likely to be the use of the injunction. Many states provide specific statutes which allow prosecuting attorneys to seek permanent injunctions. The general procedure entails the filing of a civil action to ask the court to issue an injunction against the future distribution of specifically named films. Before issuing such an injunction, the courts are obligated to view and hold an adversary hearing to determine the obscenity of the films. At such hearing, the prosecution as well as the defense are entitled to present arguments and evidence to the court concerning the obscenity of the films and the legality of enjoining them. If the court is satisfied, after viewing the films and ruling on the legal arguments, the court is authorized to issue injunctions to permanently forbid the sale of these films within the jurisdiction of the court. It is obvious, therefore, that if injunctions are granted against the sale of the well-known and most highly profitable and desired obscene films, the economical well being of distributors is significantly devastated. The courts are allowed to enforce these injunctions through contempt powers.

The anticipated success under this procedure is obviously great. If injunctions are attempted in the first instance against some, many, or all of the available films, the permanent injunction against the dissemination of these films virtually ends all traffic in those films in your jurisdiction. This will insure that the individual stores and theaters will not be able to capitalize on the use of these big name films, and prevent the expansion of the video-porn business to its logical conclusion, which would be the sales of an unlimited number of pornography titles such as now are available in adult theaters and "peep show" arcades.

Nuisance Actions. A corollary to the use of injunctions to halt the video-porn business is the use of civil nuisance abatement statutes which are in effect in many jurisdictions throughout the country. Many states, such as Ohio, Idaho, North Carolina, New York, and California, have long standing nuisance statutes on their books. Many other states are now enacting or considering modernized nuisance provisions which are adapted to obscenity cases. Under virtually all nuisance statutes, private citizens as well as prosecuting attorneys can initiate a nuisance action lawsuit to halt the distribution of obscene materials. These nuisance statutes can be used by the prosecutors without posting bond to seek injunctions against the sale of specifically named obscene video tapes. They can also be used by private citizens, who are usually required to post some type of security bond, to seek the same type of injunctions. In the nuisance actions, the injunctions are granted on the basis that the films, once found to be obscene by the court, constitute a nuisance which is repugnant to the health, welfare, and morals of the community. Under nearly all nuisance statutes, obscene films can be permanently enjoined. Under many nuisance statutes, the business, store, theater, or property, may also be determined a nuisance because of its past use as a place or vehicle for the conducting of the nuisance, which is the distribution of obscenity. Various provisions in many statutes allow businesses to continue operating if its owners promise that the particular films will not be sold. However, the continued efforts of prosecutors and other interested lawyers to use and uphold the historical power to abate nuisances may see a return to the use of nuisance actions to punish a business for its past illegal conduct and allow such businesses to be closed for various periods of time.

Whether the nuisance actions which can be instituted against the distribution of obscene video cassettes will result in closures of theaters remain to be seen. It is certain, however, that a concentrated effort to enjoin specific films through nuisance actions would achieve the impact which we need at this time to prevent this market from continuing and expanding.

Criminal Actions. The use of regular criminal prosecutions, although not as capable of the permanent halt in distribution of a particular film throughout the jurisdiction of the court, still serves the purpose of law enforcement by allowing particularly offensive dealers and individuals to be brought before a jury. Criminal actions can also be used in connection with the civil attempts to enjoin such films as outlined above. Since the prosecutor or party who wishes to seek the injunction against a particular film will have to obtain a copy of the film for use by the court, as will be explained in more detail below, criminal actions may be brought upon the initial purchase or seizure of such films. In the normal criminal action the prosecutor will obtain a copy of the video cassettes through police seizure or purchase. This film may be used to press criminal charges against the seller and the evidence may also be used in the action for an injunction or nuisance abatement. The satisfaction of law enforcement in particular, and the community in general, would be greatly enhanced by seeing the offenders placed in jail and made to pay heavy fines. Criminal prosecutions are also effective when engaged in on a continuous and systematic course, because they tend to inhibit persons from beginning obscene material businesses, and also inhibit the ability of the obscenity industry to attract employees to work in their theaters and stores. It may seem that such is not the case by the apparent ability of adult businesses to stay open. However, one need only look to such cities as Cincinnati and Atlanta, to see the effect of criminal law enforcement. In Cincinnati, Ohio, the former county prosecuting attorney, Simon J. Leis, Jr. (now a judge), and in Atlanta, Georgia, the County Solicitor General, Hinson McAuliffe, removed all adult bookstores and theaters from the entire Counties, through continuous and pervasive efforts. These are perhaps the only large metropolitan areas in the United States which are devoid of a hardcore obscenity business. A somewhat less spectacular result was achieved in Cleveland, Ohio. Through the efforts of the city prosecutor's office and a detail of four to six police officers, the use of strict misdemeanor prosecutions against employees and cashiers of local outlets, reduced the number of adult bookstores and theaters from 56 to 23 in a span of three years, from 1974–1977. Unfortunately, inaction since 1978 has caused the number to explode again and strip shows are even performing live sex acts on stage now. The same results can be obtained in any jurisdiction where the prosecutors undertake a system of continued and relentless prosecution under the criminal statutes and ordinances. The determined efforts in Jacksonville, Florida, Newport, Kentucky, and Buffalo have similarly removed the hard core trade from those areas, and recent efforts in Houston, Miami, Orlando, Ft. Lauderdale, Fort Wayne and Indianapolis, Fairfax, Virginia, Memphis, Salt Lake City, Pittsburgh, and Philadelphia, will soon see major results if continued.

CONCLUSION

The challenge of law enforcement and interested citizens to attack this problem must be met at this time. Because this industry has achieved such widespread availability of grossly perverted and notoriously obscene films, with the added potential that this medium of television pornography will upstage the more localized distribution of obscene materials in theaters and stores, we are somewhat lucky to be able to permanently enjoin their major money making films. Our attention to this problem should not be displaced. The opportunity to prevent the expansion of perhaps the greatest new method of dissemination of obscenity should not be allowed to pass without us making every effort at this time. We have seen what public apathy, inactivity of law enforcement, and liberalism in the courts can do for the pornographic industry over the course of time.

We encourage those persons who desire to take action through prosecution or citizen lawsuits against the video cassette market to share their thoughts on effective enforcement. We will continue to make available the expertise and resources of Citizens for Decency through Law to aid those who undertake this task.

Sex Revolution's Casualty List Long

By JOAN BECK
Chicago Tribune

Every revolution hurts a lot of women and children. The sex revolution is no different. A casualty list came out and the walking wounded number in the millions. Among them:

- *More than 1,110,000 teen-age girls a year are getting pregnant, most of them with unwanted babies.*
- Four in 10 teen-age girls now get pregnant, and two in 10 give birth.
- Teen-agers get 434,000 abortions in 1978; although they make up 18 percent of all sexually active females, they account for 31 percent of all abortions and 46 percent out-of-wedlock births.
- A total of 554,000 babies were born to teen-age mothers in 1978, more than half of whom were not married. Eleven thousand of these mothers were younger than 15, and 203,000 were between 15 and 17.
- Women who become mothers as adolescents have 50 percent more children than other women. And their marriages are twice as likely to break up.
- Seven million teen-age boys and 5 million teen-age girls are sexually active—a two-thirds increase in the last decade. The average age they start to have intercourse is now 16.4 for whites and 15.5 for blacks; as the number of sexually active teens increases, there are fewer differences related to race, socio-economic status and religious affiliation.

Teen-age pregnancy isn't just a matter of private morality—the result of a choice the rest of us might deplore but which individuals should be entitled to make freely for themselves. Teen-age pregnancy and parenthood carry enormous economic and social costs that hurt us all and are a direct drain on federal and state tax dollars.

It's fair to say that we are not going to win any wars against poverty until we find a way to make drastic reductions in teen-age pregnancy—a substantial cause of poverty not only for this generation but probably for the next.

The report assumes teen-age sexual activity will continue to increase. Maybe so, when it's actively implied or encouraged in popular music lyrics, in movies, on TV, by about 30 percent of magazines on newsstands, and by widespread adult example.

But the report doesn't mention the possibility of trying to reduce teen sexual activity by changing the nation's permissive moral climate, or even suggest that saying "no" is a no-cost, 100 percent effective method of pregnancy prevention. The United States now has one of the highest teen-age birth rates in the world—topped only by a few Eastern European nations and Thailand. That doesn't mean we can't change—now that we've seen how bloody the casualty list has become.

Book Entitled "Child Pornography" Now Available

Shirley O'Brien of the University of Arizona has just published a book entitled *Child Pornography* ($9.95), available from CDL or the publisher, Kendall-Hunt Publishing Company, P.O. Box 539, Dubuque, Iowa 52001. There are very few good books on this subject and Shirley O'Brien has done an extensive study of how to identify and treat the children as well as how to deal with the legal and social aspects of the child pornography distribution problem. She not only reviewed the literature and government studies, but more importantly she gathered the "real world" facts from the police and child care professionals who actually deal with the children and the industry. This book should be recommended to all law enforcement and legislative agencies as well as all concerned parents and citizens.

HOW TV SHAPES OUR VALUES

IMPACT ON AMERICA

What do you say when a 2-year-old asks…

Mom, What Does Rape Mean?

All the sex and violence on TV—says the author—is making our kids grow up too fast

By Harry Stein

Several years back, rummaging through the junk in a dilapidated old filing cabinet that has been in my family longer than I have, I unearthed an old bound notebook with the Gettysburg Address printed on the back cover—my father's diary for the year 1927. My father was 15 in that year, two decades before the coming of television, before it was common even for the average family to have a radio set, and he took himself every bit as seriously as 15-year-olds generally do. The notebook's yellowing pages are filled with his views on literature and world affairs, and he is always ready to draw a serious lesson from what he at one point refers to as "the whims of life." "I have lost exactly 95 cents on the World Series, wherein the Yankees beat the Pirates four games straight," he reports mournfully at one point. (This was, by the way, the "Murderer's Row" Yankees of Babe Ruth and Lou Gehrig; even then, my father was a Yankee hater.) "From now on, sentiment will have nothing to do with my wagers!"

Yet for all its studied grown-upness, the journal is suffused with a remarkable innocence. My father never stops marveling, for example, at the wisdom and compassion of a Dickens tale, or the grace of the latest Booth Tarkington novel; he is continually being surprised even by the contents of the daily papers.

From this distance, from the perspective of a world so wholly given over to glibness and cynicism as this one, such innocence is nothing short of startling. How could anyone ever have made it all the way to *15* with that ingenuousness?

Which leads us, in a roundabout way, to television.

The truth is that in the course of a week of casual viewing, the average American kid today is exposed to more of life's baser side than his forebears were likely to →

continued

stumble across in a lifetime. He will see endless destruction and carnage, presented not only as information but as diversion; sexual goings-on that once would have been only police business; and enticements to rampant consumerism that might have stunned Diamond Jim Brady himself. And he will take it all in uncritically, without so much as a flicker of surprise or an instant of alarm.

Quite simply, over the years the medium has fundamentally altered not only the quality of childhood in this country but its very meaning. By the millions, American children grow up with the tube as a kind of surrogate parent, the values it so insistently reinforces—that contentment is a matter of having and getting more, that violent behavior often makes sense, that compassion is for the weak and conscience for suckers—as readily accepted as generations past took in the moral lessons of the McGuffey Readers.

There has been endless talk in recent years, and much sober reflection, over the phenomenon reflected in all of those harrowing statistics always coming at us on the evening news, measuring teen-age alcoholism and drug abuse and suicide. But, of course, it makes a kind of macabre sense. To pass into adolescence sustained by no ethic beyond self-gratification is at once to grow up too quickly and not at all.

Sid Caesar often complains these days, in bemoaning the strictures of early TV, that he wasn't even allowed to say "pregnant" on the air. All in all (though it sounds like galloping fuddy-duddyism to suggest it), that may not have been such a bad thing—either for Caesar and his zany gang, who were obliged to come by their laughs honestly, or for their audience. And for fully a decade thereafter, the medium continued to reflect a view of the world that was quite the opposite of jaded. The generation that came of age during the '60s, raised on *The Adventures of Rin Tin Tin* and *Leave It to Beaver,* may not have been characterized precisely by wide-eyed innocence—too many years of rock and roll had taken care of *that*—but the record will show that it arrived upon the scene with idealism intact.

The years from that time to this have not, of course, been easy upon us as a people. A case can certainly be made that in its performance of late, television is merely reflecting a sense of alienation that comes with the era. Our hopes having been so repeatedly dashed, our idealism having left as a legacy little but collective heartache, we have, as a society, moved steadily on to safer, more selfish pursuits.

But it is not so simple. For, largely thanks to television, the cycle has become self-perpetuating, institutionalized as a bottom-line proposition. A friend of mine, the conscientious mother of a bright 2-year-old, reported the other day that she emerged from the shower to be confronted with a demand for a full explanation of the term "rape." The kid had just helped himself to 10 minutes of a particularly vivid soap. "As long as 42 million people keep watching the television," says NBC Entertainment president Brandon Tartikoff to suggestions that *The A-Team*, arguably the most violent program on the dial, be toned down, "I don't see any reason to change."

How do we reverse so insidious a trend? The question might as well be how to be done with nuclear warheads, or restore the lakes fallen prey to acid rain, or bring back a 39-year-old Jack Benny. Anyone got a time machine handy?

But individually, we all—especially those of us with children—can do our part, simply by (instead of parking them before that machine in the corner) talking to them, and listening to what they have to say, about values. Only then might our young retrieve the capacity for wonder that once seemed every child's birthright—and, who knows, perhaps even the capacity for indignation.

"I see by the papers," wrote my father in 1927, "that a *policeman* was arrested for murder. The next thing, a fireman will be arrested for starting a fire. What is this world coming to?"

Quite frankly, that is a better question today than ever.

THE NATIONAL DECENCY
REPORTER
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Vol. 20, No. 5 • September-October 1983 • Phoenix, Arizona

Pornography Awareness Week Oct. 27-Nov. 3, 1983

On October 29, 1979, a group of citizens and community leaders gathered in front of the Playboy Building in Chicago and read a statement declaring that the people demanded a more respectful attitude toward women and a more decent community standard and denounced *Playboy* magazine and its philosophy of exploiting women and spreading pornography and the exploitation of sex and nudity. Out of this action grew an organization known as the Chicago Statement Foundation, P.O. Box 40945, Washington, D.C. 20016. Their function over the years has been to be a vocal response to the effect of the Playboy mentality on our society. Many of their programs have focused on convincing advertisers to shun pornography magazines with advertisements, and have rewarded certain companies with policies nto to advertise in pornographic magazines with public awareness campaigns aimed at purchasing those products from decent corporations who have shown a concern for our society and for our children. Examples of these include General Motors long standing policy against advertising GM cars in such magazines as *Playboy* and *Penthouse* and their ongoing Florsheim Shoe Company campaign aimed at showing support by buying shoes from Florsheim to reward them for their policy of not contributing to the advertising revenue of porno magazines.

One of the most important and beneficial programs of the Chicago Statement Foundation is its Annual Pornography Awareness Week, which this year will take place between October 27th and November 3rd. Several cities have already begun preparations for a series of public meeting, dinners, speeches, media campaigns, etc. Those include The Chicago Statement, Rev. Tony Astrom, Chairman, Christ Church, P.O. Box 13, Lake Forest, Illinois 60045; The Oklahoma Statement, Dr. James Taylor, Chairman, 7212 Kings Ridge Road, Oklahoma City, Oklahoma 73132; The Dallas Statement, Roger Cunningham, Chairman, 7206 Currin, Dallas, Texas 75230; The Cincinnati Statement, Monty Lobb, Chairman, 870 Woodline Avenue, Cincinnati, Ohio 45246; The Houston Statement, David Morris, Chairman, 1990 Post Oak Boulevard, Houston, Texas 77056; The New York City Statement, Dorothy Allbritten, R.N., Chairwoman, 130 W. 44th, New York, New York 10036; The San Francisco Bay Area Statement, Dr. H. Sanford Gurn, Chairman, 7517 Fairbrook Drive, Mountain View, California 94040; and The Washington D.C. Statement, Dr. Andrew Meeder, Chairman, P.O. Box 40945, Washington, D.C. 20016. Those persons living in these cities should be encouraged to participate and to help plan and work for the success of pornography awareness week in their cities. Those cities which do not have a planned program for pornography awareness week should structure a formal program or at least seek to create newspaper, radio, and television talk show articles and other media awareness presentations and comments to help make the public aware that that week is set aside for pornography awareness. This function will insure that the American public is at least made aware that there are serious concerns of decent people over the standards of our community and the well being of our youth. CDL will cooperate in any of these efforts and will coordinate public awareness program during Pornography Awareness Week, and we encourage all of our readership to do likewise.

Where Do Such Ideas Come From??

Of the numerous newsclippings each day showing the arrest of a person for sexually abusing minors, raping children, and other such activity, the following are typical:

Fort Lauderdale News, March 25, 1983. A man who once operated a foster home was indicted by the Broward County Grand Jury on charges of taking pornographic pictures of a seven year-old girl and raping her. The man was held without bond in the county jail pending a hearing.

The *Milwaukee Sentinel*, April 15, 1983. Reporting on a incident in Passaic, New Jersey, where the police arrested a group of six boys, between ages twelve and fifteen, charged with the gang rape of a twelve-year-old girl from their neighborhood. The boys were charged with juvenile delinquency and each admitted their role in the attack. The detective making the arrest said the boys seemed baffled by the seriousness with which the case was being treated.

Arizona Republic, June 6, 1983. Reporting on an incident from Santa Ana, California, it was stated that a guitarist known in the 1960's "king of the Surf Guitars" had been arrested and ordered to stand trial on charges of child molesting and felony sex perversion. The thirteen-year-old girl testified in municipal court that the man seduced her into performing sexual acts with him on six different occasions in his mansion.

How long are responsible people willing to tolerate such offenses against our dignity and our children and still maintain that there is no harm in the philosophy spread by pornography?

[Source: Free Congress Research and Ed. Fdn. Child & Family Protect. Insti.]

UPDATE ON PORNOGRAPHY EFFECTS RESEARCH

Sequentially:

(1) Research by Zillmann (U. Indiana pornography researcher Dolf Zillmann) has demonstrated that massive-exposure to non-violent, non-coercive "standard-fare" pornography trivializes rape as a criminal offense.

(2) Recent research by Donnerstein (U. Wisconsin pornography researcher Ed Donnerstein) has confirmed and extended Zillmann's findings to massive exposure to violent pornography.

(3) Research by Malamuth (U.C.L.A. pornography researcher Neil Malamuth) has demonstrated that a large percentage (2/3 rds) of the normal male population report a proclivity to rape if they were assured that they would not be caught or punished.

(4) Research by Zillmann and Bryant (U. Houston pornography researcher Jennings Bryant) has found that concern about the proliferation of pornography diminishes and disappears with massive exposure.

They also find that their subjects report a tendency to grow fond of these materials.

Bryant's research (Jennings Bryant, University of Houston) describes how viewers become used to violence as a means of getting excitement. As they become desensitized to it they need a more intense level of violence to get the same level of excitment. The typical viewer is becoming more and more desensitized to this and has learned to seek it out as a means of excitement.

(5) Zillmann and Bryant have established that massive exposure to non-violent, non-coercive pornography creates an appetite for more deviant materials, deviant materials including violence in a sexual context such as sadomasochism and rape.

New unpublished studies by these authors show that massive exposure to non-coercive, non-violent pornography leads to sexual dissatisfaction in both men and women, particularly in men.

Both men and women become dissatisfied with the sexual performance of their intimate partners, even with their physical appearance.

Why? The females portrayed in pornography engage in sexual behaviors that the intimate partners of the viewers of pornography either don't want to do or won't do.

This leads to dissatisfaction with sexual relating for both males and females. Interestingly, this dissatisfaction does not generalize to a dissatisfaction with life in general, only with sexual relating.

These studies also show that massive exposure to these materials lead to a lack of confidence in monogamy and to a lack of confidence in marriage as a viable institution. Subjects exposed to these materials come to consider non-monogamy as normal and natural behavior.

(6) Zillmann and Bryant, in comparing the reactions of normal adult subjects to those of college students to standard-fare pornography, find no appreciable differences. Both groups report the same dissatisfactions with sexual relationships following massive exposure to these materials.

Adult subjects varied only slightly as a function of their age and sexual experience. They reported somewhat less idealism and more realism about fidelity in intimate relationships.

(7) In a recent book by Russell (feminist author Diana Russell: *Rape & Marriage* (1982)), this appetite for deviant behavior following exposure to these materials is explored in relation to the abuse of women.

Russell found that the expectations of intimate partners engendered by exposure to these materials, both violent and non-violent, plants the seed in male fantasy behavior concerning deviant behavior that they are then inclined to act out. This acting out, even the mere implantation of the ideas of these behaviors as viable, lead to considerable conflict and suffering on the part of both males and females, particularly in their sexual relationships with intimate partners.

(8) Research by Burgess (U. Pennsylvania psychiatric nursing researcher Ann Burgess) has indicated that while adults can say "No" to requests by an intimate partner to engage in sexual behavior of either a normal or more deviant nature, dependent children cannot.

Children become easy targets for behavior planted by pornography. They are particularly vulnerable as targets for adults not only who are sexually disturbed but who have difficulty with normal adult heterosexual relationships.

The use of pornograph has been found to be intimately related to the sexual abuse of children, not only in the use of child pornography for the sexual gratification of the pedophile, but in the use of adult pornography to lower the inhibitions of children and legitimize both normal and aberrant sexual behavior as natural for the child as well as the adult viewer.

(9) The work of Abel (Gene Abel) and Groth (Nicholas Groth) in psychiatric intervention with incarcerated rapists has shown two trends. On the one hand, rapists have shown to be more aroused by depictions of violent sexuality than normal sexuality, but on the other hand more aroused by visual material depicting women resisting sexual advance than by women who are depicted as welcoming more aggressive or violent sexual advance.

More important in this work are the findings that the effects of pornography are homogenous to both rapists and non-rapists.

Abel's research shows that child molestation is more serious than rape. The average child molester studied was responsible for 68 victims. This is three times higher than the average number of adult women assaulted by adult rapists.

It is the depiction and dissemination of the "rape myth", that women at first resist, then welcome aggressive and deviant sexual behavior that reduce inhibitions to the use of violence, that habituate both males and females to the idea of rape and sexual aberrance as normal behavior and that contribute to the other dissatisfaction effects described.

(10) Due to ethical concerns about human subjects research, it is not possible to directly study the effects of pornography on children.

We have only the anecdotal and non-systematic data reported by emergency medicine, by coroners and police reports, and by mental health professionals who encounter the children who are the victims of child sexual abuse in the context of pornography.

Ironically, the human subject in psychological research is much more protected than the average citizen from the worst effects of this material.

It is imperative to understand what children learn from pornography. And when and how they are exposed to it.

Inferential research, not yet fully analysed, by Bryant, suggests that many children are exposed to hard core pornography by the age of 14 and that most of the girls exposed to this material at that age are exposed to it by their boyfriends in the form of pornographic videotapes played on home VCR units in the absence of parents.

It is too early to assess the impact on 12 to 14 year olds of massive exposure to not only standard-fare but of more violent and deviant hard core pornography, especially as their first exposure to adult sexual relationships. What kind of scripts they are learning about life?

(11) In summary the research demonstrates that pornography is addictive, desensitizes people to its content, leads them to be more callous about rape and degradation, and demands increasingly more bizzare and unusual forms to give satisfaction to the habitual viewer. Even 'soft' pornography leads to increasing dissatisfaction with their intimate partnersinsexual relationships. Families, marriage as an institution and monogamy are undermined.

[From the Brantford Expositor Mar. 16, 1984]

VIOLENCE, SEX-DRENCHED IMAGES IN MANY ROCK VIDEOS: COUNSELLOR

(By Ron DeRuyter)

Rock videos are the latest example of how violence and pornography are used as "cheap industrial ingredients" to successfully market entertainment, a director of the Canadian Coalition Against Violence and Pornography said Thursday night.

David Scott, a family counsellor from Toronto, told the annual meeting of the Family Service Bureau that rock videos are becoming increasingly violent and pornographic.

"You have some fine songs with some fine lyrics. But many of the videos have violence and sex-drenched images that are in no way related to the music."

Mr. Scott said popular singer Michael Jackson "is a good singer and he sings good songs, but the images in his videos are awful."

Using slides and videotapes to present examples of "soft-core" pornography in magazines and of sex and violence in videos and films, Mr. Scott warned the audience of about 60 people that some of the material might be upsetting.

"It's disturbing for me to say that it's material that shouldn't be shown to anyone under 18, but any eight or 10-year-old can walk into the corner video store and rent one of those films."

The same thing can be seen by children on cable television and pay TV, he said.

"Although there is clamor by many people for no controls on these images, those people really are misinformed about the effects on people of these images," said Mr. Scott. "There is clear evidence of a causal link between a steady diet of this material and anti-social behaviour.

"No one is saying violence in the media is the cause. It is one of the causes; it is a catalyst: it enhance."

Mr. Scott said studies show that continued exposure to violence and pornography have a "desensitizing" effect. People become less offended by what they see, and "need larger doses to get more excited."

He said violence in cartoons and on prime time television seems harmless because it is obviously make-believe. But he cautioned that "if a kid knocks a friend on the head with a two-by-four like he sees on The A-Team, the kid won't bounce back like on TV."

Mr. Scott said mimicking violence also is a problem in sports because youngsters tend to imitate their heroes.

He urged people to combat the mass media's portrayal of violence and pornography by complaining to store owners about offensive materials they sell or rent.

He said people also should write to federal and provincial politicians, particularly in view of a Queen's Park review of legislation regarding films and videos.

"We're hoping the legislature will decide it's time to submit some of these videotapes to classification before they are released to any adolescent who walks in the store."

Mr. Scott said parents also can play an active role by teaching their children "critical viewing skills."

[From the Canadian Jewish News, June 14, 1984]

VIOLENCE IN CHILDREN AIRED

(By Carolyn Blackman)

TORONTO.—Children can become addicted to violence, just as they can become addicted to drugs, says David Scott, a psychotherapist and a member of Metro's Task Force on Violence Against Women and Children.

"As they become addicted, they need bigger and bigger doses to get excited," he said.

Scott was one of three speakers who addressed the United Jewish Appeal's business and Professional Women's Network at a recent symposium on pornography.

The other speakers were Judith Posner, associate professor of sociology at York University and Susan Cole, founder of the Canadian feminist magazine, Broadside.

Scott said that the past decade has been one of explosive growth for the pornography industry and it has become so common that "children are becoming desensitized to violence."

He screened a pornographic film for a shocked audience and said that the material now being sold in Canada uses "explicit sex, sadomasochism, bondage, torture, rape and death."

Scott said four-fifths of the pornography in Canada is manufactured in the United States.

Susan Cole agreed that pornography has "grown tremendously in the past 10 years." She warned that prolonged exposure to pornography can increase a person's aggression levels.

"Men begin to believe pornography and their attitude towards women changes with regards to rape, for example," she said.

Judith Posner said that instead of getting better in this generation, the image of women is getting worse. "Women's magazines have the most offensive depiction of women," she said.

Posner showed slides of some recent advertisements and explained that so many ads see women as being submissive to men.

She added that many ads now show women as being "teasing, cutesy and seductive . . .

"What we see now in advertising appeared in Penthouse and Playboy 10 years ago," Posner told an attentive audience.

"I wonder what is going to look innocuous to us in 10 more years—whips and chains?"

Cole said that she would like women to be able to sue pornographers for damages. "If I had my way, pornography would be viewed as a violation of human rights," she said.

Cole added that "we should all be able to tell retailers who sell offensive pornography that we won't shop there any more."

Scott said that "we should not minimize the power of selective boycotts. One letter to a retailer can be very powerful."

[From the Broadcaster, Apr. 1984]

FORUM ON TV VIOLENCE ATTRACTS EXPERTS AND ACADEMICS

ONTARIO.—A forum on media violence and pornography, held in Toronto in February and sponsored by the Action Group on Media Pornography, the Canadian Coalition Against Violent Entertainment and the U.S.-based National Coalition on Television Violence, drew over 750 people to hear experts reveal the results of recent studies on violence and pornography.

While much of the conference dealt with the flourishing of violence and pornography in films and magazines and the underground movement of child pornography, some aspects of the conference had an impact on violence and pornography in the broadcast media, particularly television.

Dr. George Gerbner of the Annenberg School of Communication of the University of Pennsylvania in his opening address noted that the average American child is exposed to 30 murders a week and six violent acts an hour on prime time television, adding that children who are heavy viewers of television learn to see themselves as potential victims, become more dependent on existing power structures and are more suspicious and intolerant of deviations from the norm. He stated that while media violence and pornography are not the cause of aggressive behaviour, they are contributing factors and that this aggression is most often directed at women and minorities. Gerbner concluded that "violence and pornography are demonstrators and cultivators of inequities and controls over people with less than their fair share of power and resources in our society."

Dr. Leonard Eron and Dr. Rowell Huesman from the University of Illinois at Chicago Circle began a study of 875 third-grade children in a New York state community in 1960 and did follow-up studies with some of these same children in 1970 and 1981. They correlated the amount and type of programming watched by these youngsters and their later convictions for drunk driving. wife-beating, child abuse, traffic violations and criminal convictions, find that the heaviest viewers of television were also those most prone to aggressive behaviour in later life, "regardless of initial levels of aggression, I.Q. and socio-economic backgrounds." They further noted that aggression was exacerbated by children's identification with TV characters: "those children who watch television violence and identify with characters are those on whom violence has the most effect," i.e. they become the most aggressive. They also discovered that children who believe that television violence is realistic tend to fantasize about aggression and subsequently become more aggressive.

Thomas Radecki of the National Coalition on Television Violence and a psychiatrist at the University of Illinois School of Medicine pointed out that the major source of violent programming is the U.S. and that CTV programming is five to six times more violent than that on CBC. Radecki also presented several rock videos from Warner Amex's MTV cable channel, noting that NCTV's monitoring of these videos has revealed that there are 18 instances of violent or hostile actions each hour. Thirty-five percent of all MTV violence featured violence of a sexual nature and over half of MTV videos either featured violence or strongly suggested it. Interestingly, many of the videos added violent imagery that wasn't present in the lyrics.

Trina McQueen, director of TV programming for the CBC, stated that the "issue of TV violence is not perceived among the public as a critical one", nor are most TV executives worried about it. "Most opinion leaders are light viewers of TV," she stated and they are not likely viewers of program like the *A-Team* which has been heavily criticized for its levels of violence. While she noted that the "CBC does not have vigorous rules against violence" she stated that violence is mostly imported in the form of American programming and expects that as the CBC moves towards a reduction of foreign programming and a higher percentage of Canadian content that images of violence will be largely reduced.

STANDARD BROADCASTING'S CABLE GROUP EXPANDS

Standard Broadcasting Corp.'s wholly-owned subsidiary, Tele-cable Laurentian Inc. of Hull, Quebec has successfully acquired the cable TV system that serves the communities of Gatineau, Buckingham and Masson, Quebec. The purchase closed in mid-February and the aggregate purchase price was $5,800,000. The system consists of 17,000 subscribers and is adjacent to Telecable's operation in Hull, Aylmer and Touraine.

[From the Globe and Mail, July 24, 1984]

Long-Term Exposure to Porn Warps Appetites, Study Says

(By Jock Ferguson)

Men and women who watched non-violent sex films in recent studies in the United States ended up after six weeks trivializing rape as a criminal offence and developed appetites for violent and bizarre forms of pornography.

The studies show that long-term exposure to sexually explicit films made people dissatisfied with the appearance and performance of their sexual partners, according to psychologist Dr. Dolf Zillmann of the University of Indiana, an authority on the impact of pornography.

In a follow-up study carried out by his research partner, Dr. Jennings Bryant, exposure to massive amounts of explicit sex films was found to be damaging to partners in a relationship and "can lead to brutality in sex."

It made the study participants see marriage as less appealing because "it destroys trust in sexual monogamy," Dr. Zillmann said in an interview.

The studies are an attempt to measure the impact on society of "standard-fare" pornography, films and videotapes showing fellatio, cunnilingus and coition between individual men and women and groups.

"We are concerned with the very broad . . . and subtle . . . effect of pornography on society," Dr. Zillmann said. Most studies of pornography have been limited to the effect of sexual violence and sex involving children.

Their studies show that "men and women pay an enormous price (from massive exposure to erotica), especially in the bedroom."

They found that men who had been massively exposed became callous toward women, exhibiting greater callousness than men who were not exposed to the films.

He concluded that sexual callousness has the potential to promote sexual harassment of women.

Dr. Zillmann studied the responses to explicit sex films of 80 male and 80 female undergraduates at a large, eastern U.S. university.

The participants, who thought they were evaluating film-making qualities, saw 48 minutes of film a week for six weeks.

One group saw nothing but films depicting heterosexual acts with single and multiple partners. Another saw nothing but films with no sex while a third saw a mixture of the two.

None of the films showed pain being inflicted.

The participants returned to the laboratory for testing after the viewing period. They then viewed other films and their responses to them were measured by heart rate and blood pressure.

The contrast between those exposed to massive amounts of standard-fare pornography and those who were not was pronounced, according to some of the study results published in a new book by Dr. Zillmann.

Dr. Bryant, a psychologist at the University of Houston, repeated the film study in a randomly chosen group of adults with almost identical results.

"There's an enormous price paid by partners in a relationship" who have seen a lot of sexually explicit films. Dr. Zillmann said. "This applies to both genders but is more pronounced in males."

The participants in both studies perceived females as promiscuous people who enjoyed being bullied and raped.

The study raised "quite an ethical problem," because the participants had to be debriefed and made aware of the impact that watching the films had had on them.

Dr. Zillmann said he is realistic enough to believe that very little will happen to control the availability of standard-fare pornography.

"Too many people have grown fond of this material for it to be controlled politically. Censorship of this material is unthinkable."

But he said he is anxious "to have the study results out in the public arena for discussion . . . . I'd be happy if we could put the effect of watching these films in a cultural perspective."

[From the Globe and Mail, May 21, 1984]

U.S. Pornography Law Advocated as a Model

(By Cindy Weiner)

U.S. President Ronald Reagan is to sign into law a new child pornography law today and Canada should implement a similar one, a leading Canadian anti-pornography activist says.

Mr. Reagan will also establish a new federal commission on pornography and obscenity, said David Scott of the Toronto-based Action Group on Media Pornography, who has been in Washington for the past week.

Mr. Scott said the new commission comes as a surprise to both anti-pornography groups in the United States and Canada. He said he would recommend such a commission be established in Canada as well.

He criticized the Special Committee on Pornography and Prostitution for simply touring Canada for public opinion on the subject.

The seven-member committee, headed by Vancouver lawyer Paul Fraser, will report to Justice Minister Mark MacGuigan in December on how pornography and prostitution might be dealt with.

Mr. Scott said that 15 years ago a U.S. commission found no connection between pornography and obscenity, but, he said the new group will have a chance to dispel that myth because there is substantially more material available on the market today.

"There are a lot of victims of sexual abuse, and pornography is a serious lubricant for the pedophile in lowering the inhibitions of children to sexual behavior," he said.

Mr. Scott said children exposed to pornography will learn to accept it.

While the U.S. commission will examine the link between pornography and obscenity, the new Act will increase fines for trafficking in child pornography, raise the age of children covered by the law to 18 from 16, and will broaden some investigative and prosecutional powers of the U.S. Department of Justice, he said.

The signing of the act follows a two-day seminar on the production and dissemination of pornography sponsored by the Justice Department in Washington last week.

The seminar was attended by 70 U.S. attorneys—the equivalent of Canada's senior Crown attorneys—20 post office workers, 20 local law enforcement officers and 40 members of the Federal Bureau of Investigation, said Mr. Scott, the only Canadian invited to attend.

They were briefed on the new legislation and were told how to investigate and prosecute cases involving the distribution of pornographic material such as magazines and videotape cassets, he said.

"The purpose of involving all these people is so that they can work together to build solid cases against the distributors and manufacturers of pornography so that they will not be thrown out of court on a technicality as so many are," Mr. Scott said.

He said it can take up to two years and millions of dollars to establish a case against major distributors of pornography. And 80 per cent of the pornography in Canada originates in the United States, he said.

He said that although bills dealing with pornography have been introduced in the House of Commons, none has been passed.

The Ontario Government is giving its censor board the power to classify, censor, or ban, commercially, distributed videotape cassettes.

While this is a step forward, Mr. Scott said, most Metro Toronto consumers of videotape pornography are receiving their tapes by mail order from British Columbia.

"It's a thriving business. Videotapes are advertised in the back of video magazines and mainstream pornography magazines for $29.95 when they cost up to $80 acorss the counter in Toronto," he said.

"There's no hassle with classification and the tapes are much cheaper."

He said Canada Post must get involved with the RCMP and provincial police departments to tackle the problem.

[From the Georgstown, Ontario, Mar. 28, 1984]

VIOLENCE SHOCKS VIEWERS AT PORN FORUM

(by Jeff Andrew)

The graphic brutality of the movies was shocking.

A young man runs his hand over the crotch of his pants and holds up a drill in unmistakable sexual symbolism. In the next scene he kills and mutilates a screaming male victim with the blood spatted drill.

A masked intruder watches as a young woman caresses herself in bath tub, then chases the terror sticken victim around the house firing nails at her with a pnuematic hammer. While romantic music plays in the background he kills her by firing nails into her body.

About 200 watched in horrified silence last Wednesday evening as these depictions of video sex and violence were played at a public meeting of the local organizations Citizens Against Violent Pornography.

Accoring to psychologist and researcher David Scott from the Canadian Coalition Against Violent Entertainment these are not isolated films, they are typical of the "teenage slasher" genre that are readily available in many video rental outlets in Ontario.

"In recent years depictions of sex combined with violence proliferated," Scott told the audience at Holy Cross school.

He said in all media forms, "gratuitous violence has been introduced by producers, directors and editors to capture greater market share."

Viewers become desensitized by exposure to this type of material and seek out stronger images of human degradation, he said.

The danger is that a generation is being created that is "desensitized to the plight of the victims of this violence." he said, a generation that is less inhibited from resorting to violence as a means of solving problems.

The public is being dangerously manipulated by the emotionally disturbed individuals who are creating this material for film, television and magazines, he said.

Scott showed slides taken from the pages of the top four selling "soft-porn" magazines in Canada, with national sales of about one million copies.

One, Hustler, features a cartoon strip each month entitled Chester The Molester about a child molester who chases young girls. Another features an advertisement giving a telephone number which can be called to discuss "sick, bizarre sex" fantasies.

"The issue of censorship is a red herring," Scott said and he stressed that many studies in Canada and the U.S. having indicated that media violence makes impressionable viewers more accepting of violence.

He noted that it is a common misconception that when all censorship was lifted in Denmark in the early 1970's the crime rate dropped as pornography proliferated, suggesting that people coped with their aggressions by viewing, such material.

Statistics dropped, said Scott, because misdemeanors were no longer reported in crime statistics. In fact murders and rapes increased with the repeal of obscenity laws until the Danish government was forced to bring them back into effect.

Scott said he is skeptical that the federal government's task force on pornography, the Fraser Committee, will result in tougher laws against this material.

The committee is currently traveling across Canada holding public forums to gauge opinions on the subject. The problem as Scott sees it is that most people are not concerned about pornography because they do not understand what it entails and how pervasive it is in the community.

Scott agreed with one members of the audience who suggested that the political parties should be forced to deal with pornography as an election issue.

The next meeting of citizens against Violent Pornography will be Wednesday, April 25 at St. George's Church Hall. Mary Brown from the Ontario Censor Board will attend.

[From the Toronto Star, July 27, 1984]

Let's Keep Porn Issues on the Front Burner

(By Lynda Hurst)

It hasn't made it as an election issue, and is hardly likely to do so, but when the winning party convenes Parliament this fall, many people, myself included, hope pornography regains the attention it was paid this spring.

As you will recall, the federal Fraser committee was appointed early this year to criss-cross the country, soliciting attitudes and possible solution from a wide variety of Canadians. The hearings garnered enormous publicity, particulary in Toronto, where the report of the Metro Task Force on Violence Against Women and Children had just been released showing a link between violent pornography and actual violence.

PORNOGRAPHIC FILMS

That report was enormously controversial, calling as it did for stiffer controls and regulations—recommendations that spelled censorship to many people and in so doing, angered and offended them. If ever there was a case of an issue exploding, this was surely it.

That was a few months ago, however, and since then, the spotlight has shifted repeatedly to other areas. The issue of pornography is now in danger of losing its hard-won prominence, and if it does, we all will be the worse off for it.

It was interesting in that context to read a short article in the election-heavy paper the other day, a story that confirmed yet again that, like it or not, a link exists between pornography and distored attitudes toward women.

In this instance, a University of Indiana study showed that after six weeks of viewing pornographic films, both men and women undergo a negative change in their preceptions. I should emphasize that this particular study centered on non-violent but excessively explicit sexual films. But even then, the viewers emerged with altered views toward women and sex. Rape, for example, was no longer seen as a crime of violence. And women were suddenly perceived as promiscuous people who enjoy being bullied and sexually assaulted.

NOT BRUTAL DEPICTIONS

As I said, the films in this experiment were not *violently* pornographic—were not the brutal, dehumanizing depictions to which the Metro Task Force addressed itself and which many people regard as the fundamental issue. They were standard-fare porn, not artistic erotica and not overtly abusive, and yet they nevertheless changed the attitudes of the viewers, and changed them in a negative way.

A similar study was performed this spring at York University. In this case, two group of "normal" men (not sex offenders) were shown two sets of videos, one of them depicting adults voluntarily and affectionately engaging in sexual activity, the other depicting violent sex in which women were assaulted and degraded—and, of course, shown to be enjoying it.

According to the experiment director, James Check, the men who viewed the second category gradually started to believe that women like exploitation and mistreatment. "If you always see a women enjoying abuse in pornography," Check said, "after a while you may even come to believe that women actually enjoy rape. The message clearly is 'She loves it.' "

The York study, like Indiana's, echoes the results of many others conducted in the last five years. Despite the consistency, opponents of stronger controls and/or some form of censorship argue repeatedly that the findings still do not demonstrate any link between pornography and violence: All they show is that attitudes, not actual behavior, can be negatively affected. Porn, they say, is only a symptom of violence against women in this society, not the cause.

DEGRADATION GLORIFIED

I agree with their second assumption. Pornography is indeed a symptom rather than a cause. But surely in treating the cause of disease, one also treats the symptoms. (In fact, you often treat the symptom *before* the cause.)

As for the first argument, I wonder if it really matters whether we ultimately prove, scientifically and conclusively, that pornographic violence equals actual violence. We can't, after all, prove that cigarettes directly cause cancer, but we certainly do know by now that they're a determining factor.

> Isn't it enough to know that pornography glorifies the abuse and degradation of half the human race? Isn't it enough to know that pornography perpetuates both the rape myth and the notion that women exist only as sexual beings, that society's continuing toleration of it virtually destroys any hope women may have of one day enjoying equal rights?
>
> It's hard to believe that it isn't enough, but going by the heated arguments of this spring, apparently it's not. Because there was still no consensus of opinion on whether violent porn actually is a problem, an informed debate on possible answers never seriously began. And now, its having lost impetus during this election summer, one wonders if the issue will ever be examined again, let alone a debate set up on practical solutions.

Senator DENTON. Equally disturbing is the St. Petersburg, Florida, account of the 9-year old boy who was convicted of first-degree murder, aggravated child abuse, and three counts of sexual battery in connection with the torture death last September of an 8-month old girl.

The brother of the 9-year old boy testified that, in sexually assaulting the infant with a pencil and coat hanger, they were imitating actions they had seen in their mother's sex magazines.

The infant, who suffered Down's Syndrome and had a defective heart, was found on the floor in a bedroom where the two young boys were sleeping. She died shortly afterward.

The boy's mother acknowledged in testimony that she kept hardcore pornographic magazines in full view of the boys.

Aside from the pervasiveness and depth of effect of these harmful influences, there are problem areas in interpretation of statutes and in enforcement of law. The U.S. Supreme Court articulated the constitutional test for obscenity in *Miller* v. *California* in June 1973. It is a matter of deep concern that anyone should hesitate to label books, such as "How To Have Sex With Kids," as obscene. In preparing for this hearing and in other experiences, I have noted such hesitation.

We must keep in proper perspective the forces which have dominated and controlled past obscenity litigation and supplied the background for this hesitation and confusion.

The courts share a major portion of the responsibility for the increase in the amount and gross nature of obscene materials. Judges in the past have failed to practice the public policy which the U.S. Supreme Court has been preaching since its founding, namely: "In an unbroken series of cases extending over a long stretch of this Court's history, it has been accepted as a postulate that the primary requirements of decency may be enforced against obscene publications." *Kingsley Books, Inc.* v. *Brown*, 354 U.S. 436 (1957).

Instead of enjoying Federal cooperation, law enforcement in the past has been plagued by court rulings which have (1) invited disastrous Federal interference in State court proceedings; (2) encouraged public lewdness; and (3) frustrated all attempts on the part of communities to maintain common decency.

In order to remedy these past judicial errors, law enforcement, on both a Federal and State level, must renew their prosecutorial efforts in a joint cooperative effort, and focus on a proper application of the Federal and State laws against obscenity.

Pornography is a subject of great importance. It has been estimated that the pornography industry grosses yearly between $400 to $600 billion. The past decade has been a period of explosive growth for pornographic materials, which have become increasingly more bizarre and violent. Virtually no city in this country is untouched by the influence and presence of pornography.

Mr. Chairman, I was most gratified when the Senate took a historic step in tightening controls on child pornography by adopting S. 1469, a bill I cosponsored with you and 21 other Senators. I was elated when both the Senate and the House adopted the Child Protection Act of 1984, which became Public Law 98-292 by the President's signature on May 21 of this year. The President at that time also announced the appointment of a national commission to examine obscenity and pornography.

There is no doubt that the wide availability of pornographic materials, much of which is specifically aimed at sexually exploiting children, is a national disgrace. Pornography and the sexual philosophy of the new morality contribute to a larger crisis—the breakdown of the traditional American family. I am pleased that you, Mr. Chairman, are tackling this aspect of that crisis here in the Judiciary Committee.

I know that both of us will be working to develop solutions to the problems which confront American children and families in the Senate Children's Caucus and the Senate Caucus on the Family as well. I am excited that many Members of the Senate are now examining these difficult issues, both through their committee work and through their membership on the Senate caucuses.

I believe that through hard work and cooperation we can make real progress in addressing problems of family breakdown and complex social issues like pornography and sexual exploitation, and the effects that this antisocial behavior produces.

Mr. Chairman, I commend you again for holding this hearing. I thank you for providing me the opportunity to comment on this important issue. Because of other senatorial commitments, I will be unable to remain this morning. I will, however, look forward to reviewing today's testimony.

Senator SPECTER. I thank you for coming here, and I know you have to open the Senate in a few moments. When we finish the hearings, we will have some time this afternoon on the floor and I will fill you in.

Senator DENTON. Thank you.

Senator SPECTER. I would now like to turn to the first witness that I announced, Councilwoman Joan Specter.

STATEMENT OF JOAN SPECTER, COUNCILWOMAN, PHILADELPHIA, PA

Ms. SPECTER. Thank you.

Senator SPECTER. Would you state your full name for the record, please?

Ms. SPECTER. My name is Councilwoman Joan Specter, councilwoman from the city of Philadelphia.

Senator SPECTER. Would you relate the circumstances where the book "How to Have Sex with Kids," was first called to your attention?

Ms. SPECTER. Thank you, Mr. Chairman.

In early May of this year, I received a call from a woman who ran a child agency, called Voyage House, in Philadelphia. She told me that a friend of hers, who was a child and youth worker from the Delaware County area, had sent her a pamphlet "How to Have Sex with Kids." His job was a child and youth worker was to go around the various bookstores and see what was on the shelves. And he came into Philadelphia and had found this pamphlet. Since he was from another county, he decided to give it to someone from Philadelphia.

I found it rather shocking to hear there was a book "How to Have Sex with Kids," and I decided to verify the fact that it was, indeed, obtained at the bookstore. So I called the bookstore, identified myself, and asked if they had a pamphlet "How to Have Sex with Kids." And they said let me check. And they went and they checked, and they came back and they said yes, we did have the pamphlet but we do not have it any longer but we can reorder it. And I said thank you and hung up. And then the pamphlet was delivered to my office. And I looked at the pamphlet and I saw that it was a how to do it pamphlet. It described how to find children, how to go to playgrounds, how to get babysitting jobs, and then it described how a man who is over 200 pounds can have sex with a child.

It seemed to me that if you have a pamphlet available in a bookstore, which was not a pornographic bookstore, and someone goes in and buys that pamphlet, there is a sense that there is nothing wrong with having sex with kids. Because, after all, here is this book in a regular bookstore available to anyone who comes in.

And the other problem, it seemed to me, was that you can have pamphlets and books on how to have sex with adults because they have informed consent, but a child does not have informed consent, so how can you describe in a book how to have sex with a child who has no ability to give consent?

As a result of seeing the book and finding that the bookstore would continue to order the book, I wrote letters to the district attorney of Philadelphia, the U.S. attorney in Pennsylvania, and the U.S. Attorney General Smith to ask them to look into this book and into other books such as this to see what could be done.

Senator SPECTER. What comments, if any, have you had from people in the city of Philadelphia concerning the book?

Ms. SPECTER. When it was publicized that the book was available, I received hundreds of calls.

Senator SPECTER. What kind of publicity was in the media on that subject?

Ms. SPECTER. All of the television networks were interested in it, as were the radio stations, so that——

Senator SPECTER. And the newspapers?

Ms. SPECTER. And the newspapers. And the newspapers so that it was broadly disseminated and people called.

Senator SPECTER. It was disseminated that the book had come to your attention and you turned it over to law enforcement officials?

Ms. SPECTER. That is correct.

Senator SPECTER. So then calls came to your office?

Ms. SPECTER. Calls came to my office.

Senator SPECTER. About how many?

Ms. SPECTER. At least 100, which is very, very unusual for a councilperson to receive more than 10 calls on anything.

I guess the overriding sense was what can we do? A sense of frustration that people have that they did not know what to do, and they were really concerned about their children.

Senator SPECTER. Well, thank you very much for your testimony and thank you very much for securing the book which you called, as I had said earlier, to my attention, to the subcommittee's attention. Following the receipt of the book, we were in touch with Director Webster of the FBI with a request that the—thank you very much, Councilwoman Specter, I know you have a train to catch—with the request that the FBI inform the subcommittee what other books like this were in the field, whether this was unique, whether it was typical. As a result of that effort, Special Agent Kenneth Lanning, who is a supervisory special agent of the FBI, assigned to the Behavioral Science Unit of the FBI Academy, Quantico, has responded to the inquiry and is here this morning to testify.

Preliminarily, Agent Lanning, will you outline your own educational and professional background in the field of pornographic literature?

STATEMENT OF KENNETH V. LANNING, SPECIAL AGENT, BEHAVIORAL SCIENCE UNIT, TRAINING DIVISION, FEDERAL BUREAU OF INVESTIGATION

Mr. LANNING. I have a bachelor's degree from Manhattan College in New York City, and a master's from California Lutheran College in Thousand Oaks, CA, and also studied at Sam Houston State University in Huntsville, TX, on the graduate level. And for the last 13 years in the FBI, I have specialized in the study of deviant sexual behavior and sex crimes. For the past 4 years, I spent almost all my time studying the problems of sexual victimization of children.

I authored articles in this area in the FBI Law Enforcement Bulletin, and 2 chapters in a book entitled "Child Pornography and Sex Rings"——

Senator SPECTER. Would you specify what you mean by deviant sexual behavior, Agent Lanning?

Mr. LANNING. Well, that is kind of difficult to do. Generally, from the law enforcement perspective, what we are talking about is sexual behavior which would be in violation of the law. People have their own personal opinions, but from the law enforcement perspective we try to deal with those types of sexual conduct which are in violation of the law.

Senator SPECTER. When did the book, "How to Have Sex with Kids," first come to your attention?

Mr. LANNING. I first became aware of it probably approximately about a year ago.

Senator SPECTER. Would you describe the book in general terms, please?

Mr. LANNING. What the book is in essence is—and you asked earlier whether it is unique or typical, and it is not unique and it is very typical of the kind of materials which pedophiles frequently distribute among themselves and in the pedophile community.

Senator **Specter**. How big would you say the pedophile community is nationally?

Mr. **Lanning**. It is very difficult to give a number, but I would say that from cases I have seen there are plenty of pedophiles all over the United States. I cannot give you a number to say how many there are, but there seems to be a large number of such individuals.

Senator **Specter**. It is a judgmental factor, but you would say that the national pedophile community exists in virtually every State and most of the big cities?

Mr. **Lanning**. I certainly agree. And small cities as well.

Senator **Specter**. And small cities as well.

Would you define a pedophile?

Mr. **Lanning**. A pedophile, in my opinion, is typically a male individual who has a sexual preference for children. He is an individual whose sexual fantasies and erotic imagery focus on children.

I would also like to point out that, in my opinion, not all child molesters are pedophiles. A pedophile is a certain type of child molester.

Senator **Specter**. And not all pedophiles are child molesters?

Mr. **Lanning**. That is correct. It is possible for a pedophile to simply have these fantasies and not act upon them.

Senator **Specter**. When you say a pedophile has a sexual preference for children, what age span?

Mr. **Lanning**. It could vary. In other words, there are some pedophiles who prefer children very young, anywhere from infancy to 3, 4, 5 years of age. Other pedophiles prefer them maybe 7, 8, 9, or 10. Other pedophiles prefer adolescents.

Senator **Specter**. At what point do you define the child status to terminate?

Mr. **Lanning**. I use the legal definition. In other words, I recognize that from a psychological point of view pedophilia refer only to those individuals who have a sexual preference for prepubertal children. But I use the term pedophile in the law enforcement sense to apply to anyone who has a sexual attraction to somebody who is legally a child.

Senator **Specter**. Customarily a pedophile would be someone interested in say prepubertal children?

Mr. **Lanning**. Right. The behavioral and psychological definition in the "Diagnostic and Statistical Manual" refers to the individual who is attracted to prepubertal children.

Senator **Specter**. What was the approximate age cutoff?

Mr. **Lanning**. Approximately 12 years of age.

Senator **Specter**. Approximately 12 years of age.

Hard as it is, Agent Lanning, to put a number of pedophiles in the country, it is of some value for us to have at least a ballpark figure.

If you were to make a judgment call, a guesstimate, what would you say the range is? I think it is important to try to understand the scope of the problem, how many of these individuals are we dealing with?

Mr. **Lanning**. You are really putting me on the spot. I just do not know how to respond to that.

In other words, one of the problems——

Senator **Specter**. Thousands?

Mr. **Lanning**. No doubt there are thousands.

Senator **Specter**. Tens of thousands?

Mr. **Lanning**. Probably hundreds of thousands.

Senator **Specter**. Hundreds of thousands of pedophiles in this country.

Men and women?

Mr. **Lanning**. There are women who molest kids. I personally have not seen any cases involving a woman who fits what I consider to be the characteristic of a pedophile. But I do know of many cases where women have sexually molested children.

Senator **Specter**. How do you distinguish as you define pedophile so that it includes men but it excludes women?

Mr. **Lanning**. It does not necessarily exclude women. But what I see as the characteristic of the pedophile are a persistant compulsive interest in children, the pursuing of these children, the seeking out, gaining access to them through various devious means, the collection of pornography and erotica, and a persistent lifelong pattern of behavior involving children.

Senator **Specter**. But you have never seen one case involving a woman?

Mr. **Lanning**. Not that fits that criteria.

I have seen many cases involving situations where women have sexually molested children, but not to this extent.

Senator **Specter**. How do you account for that?

Mr. **Lanning**. I do not really know for sure. I have read various theories from psychologists and psychiatrists, some having to do with the way the male sex drive is developed and the fact males must be conditioned to sexually respond, but females can engage in sexual activity without being sexually aroused.

Senator **Specter**. Would you think that whatever characteristics there would be for pedophile which would constitute the abnormal kinds of sexual behavior which you describe would be equally applicable to both sexes, would you not?

Mr. **Lanning**. It sounds logical, but I think it involves some complex issues having to do with differences between the sexes and differences between the sex drives of males and females.

Senator **Specter**. What issues if you can particularize them?

Mr. **Lanning**. I think some of the issues that could be looked at is the aggressiveness of males. We know that most crimes of violence are committed by males rather than by females, and certainly you can argue as to whether that is something that is genetic or hormonal, or whether that is something that is environmentally determined. It may have something to do with the way we raise males or females in our society. It is a complex area.

Senator **Specter**. Would you describe other books which are like "How to Have Sex with Kids"?

Mr. **Lanning**. Yes.

What I found through my research and study is that pedophiles collect a vast amount of material. Some of it is what I would call child pornography. In other words, it fits the legal definition of pornography. This is material which is the sexually explicit reproduction of the child and so on. These would be such things as these commercial magazines and movies as well as homemade pornography, pictures made in individuals' homes.

Senator SPECTER. Mr. Lanning, when you bring all those materials, and they are spread out on the table, I am reminded, as one of my first assignments as assistant district attorney back in 1959, I had just joined the office and the man in charge was making a speech on obscene materials and said he could not make it. He asked me to go and make a speech to a men's group. I had about 75 books. And there was great interest in the community in having these speeches made and having these books. Part of the district attorney's policy—I was not the D.A. at the time, I was assistant D.A.—was to point out the problems by illustrating them with the books.

In accordance with the instructions, I took the 75 books out and made a speech and showed them to everybody, and got about 12 back.

Mr. LANNING. That is why I am keeping them real close.

Senator SPECTER. But I noticed, when I walked into the hearing room, considerable interest in the materials. The question was asked me what would be the parameters as to the disclosure of the materials? My sense is, and my ruling is that we want to see what is involved here because otherwise we could not really understand it. Discretion will have to be used by the media as they reproduce them. But in terms of this hearing, we are interested in what the facts are, however distasteful they may be.

Now, you were starting to talk about pornographic material. I know you are not a lawyer, but how would you define pornographic material? Can you do better than just Potter Stewart did, who said he could not define it but he knew it when he saw it?

Mr. LANNING. Right. I believe that is one of the difficulties. One of the things I would like to point out is that although I personally have concerns about pornography in general, I feel that the issue of child pornography is totally separate, distinct, and apart from the overall issue of pornography in our society. Child pornography is the sexually explicit reproduction of a child's image, voice, or handwriting. It is in essence the permanent record of the sexual abuse of a child.

The only way you can produce child pornography is to sexually molest a child. Child pornography exists only for consumption of pedophiles. It serves no other use in our society.

The kinds of materials that I am talking about are sexually explicit photographs, negatives, slides, magazines, movies, videotapes, audiotapes, and handwritten notes in the child's handwriting.

Senator SPECTER. And by sexually explicit you mean what?

Mr. LANNING. The biggest problem area that you have in defining sexually explicit is simple nudity. It would probably have to be more than simple nudity. It would involve sexual conduct such as masturbation, overt sexual acts, touching, rubbing, lewd exhibition of the genitals, sadomasochistic activity, intercourse, and so on.

Senator SPECTER. And do the publications contain all those aspects?

Mr. LANNING. Yes. There are commercial child pornography magazines as well as homemade type materials that contain all that activity. And when I say homemade, I want to make clear that some of this homemade material may be of better quality than the commercial.

Senator **Specter**. Can you give me an illustration of homemade material?

Mr. **Lanning**. Homemade material is material which has been produced for home consumption. In other words, the original intent was not for commercial sale. It is generally made and consumed by pedophiles.

The only question that was raised about some of these pictures which I brought, and I carefully selected the material, was that none of the children can be identified. I do not want to be a party to furthering their victimization by allowing them to be seen.

But, in essence, this can range from Polaroids to 35 millimeter. Videos are probably the biggest boom area in the homemade child pornography area. And as I will explain, one of the problems is that although we separate and talk about the commercial and the homemade, there is a great deal of overlapping.

For example, in this one commercial kiddy porn book that I have here, if you look at the photographs, it becomes very obvious that many of the photographs were originally taken in somebody's house, probably by a neighborhood pedophile, who then swapped them or traded them with other pedophiles until finally somebody skimmed them off to be sent into one of these magazines. So although there is a homemade market and a commercial market, there is a certain amount of overlap and a great deal of pictures in the commercial magazines originate from the homemade pedophile network.

Senator **Specter**. Now, you are talking about a certain category of hardcore pornography which you just illustrated.

What is your professional judgment as to the other kinds of magazines? I note that you have Hustler on the table.

Mr. **Lanning**. Yes. A magazine like Hustler is generally considered to be adult type pornography or sexually explicit material. However, we find that pedophiles frequently also collect this material. They collect it for two basic reasons: either as a part of their lowering of the inhibitions of the child, getting the child sexually aroused, to seduce the child, or, as in this particular case, this Hustler magazine has a story about child prostitution. So a pedophile who is interested in this topic might buy this magazine to read this story.

This is another major news magazine. There is a story here entitled "Later Day Lolitas." It is about young girls and their sexual attractiveness. Although they are adult in nature, many of these magazines do have stories about sexual activities with children, and they can be purchased or obtained for that purpose, or to lower the inhibitions of children.

Senator **Specter**. You say that you have case histories where these magazines are used, as you characterize it, to lower the inhibitions of children?

Mr. **Lanning**. Certainly. Matter of fact, every item on this table but three were obtained from pedophiles. This is all part of evidence. This is not a theoretical idea. This was all material recovered from the pedophiles.

Senator **Specter**. Referring to the specific evidence as opposed to the theory, give us an illustrative case, an actual case where someone will use material of this sort to lower the resistance of the child.

Mr. **Lanning**. OK. Generally what would happen is a certain child would be selected because the child meets the age and gender preference of the pedophile.

Senator **Specter**. Without naming names, can you deal with a specific case?

Mr. **Lanning**. Yes, we can talk about specifics.

Senator **Specter**. Please do.

Mr. **Lanning**. A child would then be brought—invited over to the house, possibly to play a game or to see a toy or something in the house, or look at a TV show or see a movie, something like that. And maybe on the first initial contact, there would be no attempt at any sexual behavior at all. And possibly on the cocktail table would be a book like this, "Show Me," which has been widely publicized, or there may be other types of material, maybe on the walls there might be pictures of naked children, so-called art type photographs, and maybe on the end table would be maybe a sexual aid, such as a dildo.

This material would be left there with no comment made about it. The child would just be there, would look around, and maybe leave at the end of the day with just a goodbye.

The child is invited back again, but only this time maybe the individual would sit next to the child, put his arm around the child or maybe kiss the child on the cheek goodbye.

Maybe the next time the child picks up the magazine or the book and begins to look through it, or maybe he sees this dildo. Certainly the first time they see it, they would be shocked and horrified, and simply just look at it and say what is that? But the next time they touch it, and the next time they touch it a little more, and they are picking it up and they are holding it. Pretty soon they are looking at all these pictures. And many times in these pictures the children are portrayed as having fun, having a good time. Other kids do it and so on.

So, finally, when this individual gradually does this lowering of the inhibitions of the child, seduces the child over a period of time, with attention and gifts and so on, and then begins to get more involved in sexual activity with the child, the child resists. "It is not right." "What do you mean it is not right?" Certainly a book like this in a big hard cover would be very impressive to a child. Children learn from books. You tell children to look it up in a book. Children think if it is in a book, it must be true, and the other kids are doing it, it must be OK.

So this kind of material is used to lower the morals or the inhibitions of the child to believe that this kind of activity is OK and other kids do it.

Senator **Specter**. You heard Councilwoman Specter's testimony about the book, "How to Have Sex with Kids." Her thought that once it is in book form, it is somehow an appropriate thing to do.

What kind of observation or comment, if any, do you have on that subject?

Mr. **Lanning**. I think it is important, and I do agree. When you look at this book, it is certainly something that we do not like, but it is a flimsy little kind of soft-covered book.

Senator **Specter**. What book is that?

Mr. **Lanning**. That is "How to Have Sex with Kids."

Senator **Specter**. This is a different cover than the one I saw.

Mr. **Lanning**. Well, it is a piece of 8 by 10 paper folded over. Some of the other materials are put out in different colored pamphlets. It is a very inexpensive way to print.

What I am just as concerned about, or maybe more concerned about is something like this. Here is a book called "Sexual Disorders, Treatment and Research," written by two Ph.D.'s, a big thick book, about an inch and a half thick. I will read what this books says about pedophiles.

> An adult who engages in sexual behavior with a child is condemned by society even when force is not involved and when the child is either the aggressor or willing participant. This horror is apparently based on the assumption that all children are sexually pure and innocent and that the pedophile is corrupting their innocence. This assumption of childhood innocence exists despite repeated research that children are often willing participants.

Then down below it says:

> The term child molesting is judgmental and reflects the common assumption in our culture the child is an unwilling victim even though he or she might have been cooperative or even aggressive.

If I were a pedophile, I would want to have a book like that because what it tells me is that what I am doing is not so bad, that if children are the aggressors, the children initiate this activity, and I am simply responding to it, then I am not such a bad person. So they have books like this, other kinds of books, aids. They have books which are purchased in a bookstore. This one is a series of essays very similar to the kind of stuff in the book "How to Have Sex with Kids." They are talking about the issue of whether children should be allowed to have sex with adults and why it is not harmful.

These kinds of books also exist and would be the kind of material that pedophiles collect for, in my opinion, validation. They are seeking to try to convince themselves that what they are doing is not harmful and is unblameworthy, that they are not bad people.

Senator **Specter**. Agent Lanning, is there, in your judgment, a causal connection between a reading of a book like "How to Have Sex with Kids" or the others you referred to and the actual having sex with children by pedophiles?

Mr. **Lanning**. I believe that this material greatly influences these individuals to engage in certain kinds of behavior, but I do not know whether you can go so far as to say it is a cause and effect relationship. I think the causes of pedophilial are very complex, and certainly we know this material fuels their fantasy and they use it to lower the inhibitions of children. But I am not sure that you can say that it caused them to sexually abuse the children.

Senator **Specter**. Well, causal effect is a legal issue and there may be a variety of volumes.

Would you say in your professional judgment that it is a triggering factor?

Mr. LANNING. It is certainly a factor, yes, sir, and possibly a triggering factor but it is not what caused them to become pedophiles.

Senator SPECTER. A person is what he or she is as a result of the great many factors, heredity, environment, but coming to a given point, given a certain status, is it your professional judgment that reading a book, "How to Have Sex with Kids," could be the exciting factor or triggering factor to lead a pedophile to seek out sex with a child?

Mr. LANNING. It could be in a certain case something that overcomes whatever restraint he has. Some pedophiles try to control their behavior, and maybe reading material like this breaks down whatever the last control he has.

However, many of these individuals do not believe what they are doing is wrong and do not see any need to control their behavior other than to simply avoid identification by law enforcement authorities.

Senator SPECTER. Have you seen a case where you thought that a pedophile's access to material of this sort was a triggering factor in molesting a child or having sex with a child?

Mr. LANNING. I have seen many cases where it was obviously an influencing factor. For example, many of the things that I have here involve a pedophile who did his own drawing, tracing of a man chasing a little girl down the street and ripping her clothes off. An individual here writing his own manuscript on how to train your children to be prostitutes so that by the age of 6 months they can have sex with adults.

Senator SPECTER. Can you give us a specific case where some specific materials which you have available is what you would call a triggering or inciting factor in leading somebody to have sex with a child?

Mr. LANNING. The only thing that I can say is that this material is generally found—and in my statement I state that almost all pedophiles will collect this pornography and erotic material.

Senator SPECTER. But is there any case history where a pedophile would say, after having had sex with a child, that immediately before doing so, he read this particular book or that particular publication and then proceeded to have sex with the child?

Mr. LANNING. I do not know a case where a pedophile specifically stated that, but I do know that pedophiles have this material, use this material, and get ideas from this material; that we found cases, for example, where what they did with the children is portrayed in the pornographic material that they read.

Senator SPECTER. Give us an illustration of that.

Mr. LANNING. In other words, for example, an individual may have stories—well, in this one case here, the individual had written material that talks about inserting a wooden rod in the vagina of little children. And in his collection of materials, we found that the photograph of a child with a wooden rod inserted in her vagina. He had written material describing this.

Senator SPECTER. There is a case like that?

Mr. LANNING. Yes, there is.

Senator SPECTER. Where there was written material about that kind of conduct?

Mr. **Lanning**. Inserting wooden rods in children's vaginas. And this is a picture of the child, the victim, that he inserted a wooden rod in her vagina.

Senator **Specter**. Well, what happened to the victim in that case?

Mr. **Lanning**. The victim, she is currently under treatment right now. The case was identified after 6 years of abuse. It turned out that the victim's abuser was her father.

Senator **Specter**. There are many complex issues in this, and one of the complex issues is the issue of first amendment protection on freedom of expression so that if you take a book of how to have sex with kids and read it, the determination of obscenity, violative of the law, would really turn on a tough legal standard.

If there were a clear and present danger that that kind of material would incite, having sex with children, or would incite corrupting the morals of a minor or contributing to the delinquency of a minor, then a legal basis would presumptively be present for prohibiting the dissemination for that kind of material.

If, on the other hand, it is an expression of an idea, which does not constitute a clear and present danger to incite that kind of conduct, it is a very difficult area to regulate in the context of our established first amendment protections.

What is your feeling on that subject?

Mr. **Lanning**. The problem that I have is this. Here I have another book that a pedophile kept, and this is what I call erotica. This is material that was sexually arousing to the pedophile. This would excite him, cause him to be sexually aroused, increase his sexual interest in children.

What it contains is things that he has clipped out of newspapers, Sears and Roebuck catalog, magazines of underwear ads, pictures of underwear ads of children. This is the kind of material that this pedophile, and many other pedophiles, found erotic and arousing. And you get to the point where can we outlaw everything that these individuals find arousing?

We know for a fact, having interviewed several pedophiles, that they become sexually aroused watching TV programs, such as "Leave It to Beaver" and "Silver Spoons" and so forth simply because they involved children and the fun activities of children. If an individual is aroused by that kind of material, I think that the difficulty is we know what pornography is when we see it, but where do we draw this line?

Senator **Specter**. I think that it is that you cannot stop all sorts of information. If there is some extraordinary behavior on what most people would not have any response to, you cannot stop that. But if, on the other hand, you have a book, "How to Have Sex with Kids," and you read this book, and it is a book which has all the earmarks of being within the ambient of the first amendment protection, but then there is hard evidence that it incites pedophiles to have sex with kids, that is another matter, And the issue also is in terms of the legal definition on social redeeming behavior.

If you have some people who are excited by "Leave It to Beaver," or some television show which does not really have that as its main thrust, that is different from a book which has as its main thrust how to have sex with kids.

Mr. LANNING. I personally believe that a book like this, although we do not know in all cases what it would do to any individual——

Senator SPECTER. A book like this, what does that refer to?

Mr. LANNING. "How to Have Sex With Kids." Its main purpose for a pedophile would be in this area of validation. For the pedophile who has a sexual interest in children, his main reason for collecting this, in my opinion, is to legitimize his behavior. It tells him that other people have the same interests, he is not a bad person, that kids actually enjoy this. It would help to rationalize and validate his behavior.

Senator SPECTER. Well, if it validates as opposed to inciting, you may be on the other side of the line.

Let us—keep your seat, Agent Lanning. Let us expand the panel, the witness list at this time.

[The prepared statement of Mr. Lanning follows:]

PREPARED STATEMENT OF KENNETH V. LANNING

Mr. Chairman and Members of the Subcommittee:

I am Special Agent Kenneth V. Lanning, a member of the Behavioral Science Unit of the FBI's Training Division. I am here today at the Chairman's invitation to provide information concerning the type and amount of material which pedophiles typically collect. This includes the collection and, in some cases, the distribution of publications which advocate sexual relations between adults and children.

Introduction

A pedophile is typically a male individual with a sexual preference for children. His sexual fantasies and erotic imagery focus on children. Law enforcement investigations have verified that pedophiles almost always are avid collectors of child pornography and child erotica. They typically collect books, magazines, articles, newspapers, photographs, negatives, slides, movies, albums, drawings, audio tapes, video tapes, personal letters, diaries, sexual aids, souvenirs, toys, games, lists, paintings, ledgers, etc. - all relating to children in either a sexual, scientific or social way. Not all pedophiles collect all these items. Their collections vary in size and scope. However, the maintenance and growth of their collections becomes one of the most important things in their life. They are willing to spend time and money on their collections. No matter how much they have, they never have enough; they never throw anything away. They may hide their collections, move them, or even give them to another pedophile, but they almost never destroy them.

Collection

What the pedophile collects can be divided into two categories. Child pornography can be behaviorally (although not necessarily legally) defined as the sexually explicit reproduction of a child's image, voice or handwriting. In essense, it is the permanent record of the sexual abuse of a child. The only way you can produce child pornography is to sexually molest a child. Child pornography exists only for the consumption of pedophiles. If there were no pedophiles, there would be no child pornography. It includes sexually explicit photographs, negatives, slides, magazines, movies, video tapes, audio tapes, and handwritten notes.

Child erotica on the other hand, is a broader and more encompassing term. It can be defined as any material, relating to children, which serves a sexual purpose for a given individual. It is in a sense a subjective term, as almost anything potentially could serve a sexual purpose. However, some of the more common types of a child erotica include drawings, fantasy writings, diaries, souvenirs, sexual aids, manuals, letters and non-sexually explicit photographs of children. Generally, possession and distribution of these items does not constitute a violation of the law by themselves. However, besides possible legality, there is another important distinction between child pornography and child erotica. Although both may be used in similar ways by the pedophile, child pornography has the added and more important dimension of its effect on the child portrayed. Discussions and research on pornography often focus on the effects on the viewer rather than on the effects of the child subject. The latter is particularly crucial in evaluating the harm of child pornography.

Children used in pornography are desensitized and conditioned to respond as sexual objects. They are frequently ashamed of and/or embarassed about their portrayal in such material. They must deal with the permanency, longevity and circulation of such a record of their sexual abuse. Some types of sexual activity can be repressed and hidden from public knowledge; child victims can fantasize that some day the activity will be over and they can make a fresh start. But there is no denying or hiding from a sexually explicit photograph or video tape. The child in a photograph or video tape is young forever, and therefore the material can be used over and over for years. Some children have even committed crimes in attempts to retrieve or destroy the permanent records of their molestation.

Whatever the reasons that pedophiles collect child pornography and erotica, its existence is undeniable and widespread. During any intervention or investigation of child sexual abuse, the possible presence of such material must be explored. For law enforcement officers, the existence and discovery of a child erotica and child pornography collection can be of invaluable assistance to the investigation of any child sexual abuse case. Obviously, child pornography itself is usually evidence of criminal violations. However, the ledgers, diaries, letters, books and souvenirs that are often part of a child erotica collection can also be used as supportive evidence to prove intent and for lead information. Names, addresses, and pictures of additional victims; dates and descriptions of sexual activity; names, addresses, phone numbers, and admissions of accomplices and other pedophiles; as well as descriptions of sexual fantasies, background information, and admissions of the subject are frequently part of a child erotica collection. Child erotica must be viewed in the context in which it is found. Although many people might have some similar items in their home, it is only the pedophile who collects such material for sexual purposes as part of his seduction of children.

Motivation

It is difficult to know with certainty why pedophiles collect child pornography and erotica. There may be as many reasons as there are pedophiles. Collecting this material may help pedophiles satisfy, deal with, or reinforce compulsive, persistent sexual fantasies about children.

Collecting may also fulfill needs for validation. Many pedophiles collect academic and scientific books and articles on the nature of pedophilia in an effort to understand and justify their behavior. For example, one such book states that research shows that children often participate willingly in sexual behavior with adults. One pedophile arrested by the police had in his possession an article stating that children's sexual rights and freedom allow them access to pornographic materials and choice of sexual partners, including adults. Child molestation and incest would be criminal acts only if unwilling children were involved, the article went on to say. For the same reasons, pedophiles also frequently collect and sometimes distribute articles and manuals written by pedophiles in which they attempt to justify and rationalize their behavior as unblameworthy. In this material, pedophiles often share techniques for finding and seducing children and avoiding or dealing with the criminal justice system.

Collecting child erotica and pornography also appears to meet needs for camaraderie and additional behavior validation. Pedophiles swap pornographic photographs the way boys swap baseball cards. As they try to improve and upgrade their collections, they get strong reinforcement from each other for their behavior. It reinforces the belief that because others are doing the same thing it is not wrong. The collecting and trading become a common bond. Only another pedophile will understand, validate, and reward the behavior.

The need for validation may also partially explain why some pedophiles compulsively and systematically save the collected material. It is almost as though each communication and photograph is evidence of the value and legitimacy of their behavior. For example, one pedophile sends another pedophile a letter, enclosing photographs and describing his sexual activities with children. At the letter's conclusion he tells his fellow pedophile to destroy the letter because it could be damaging evidence against him. Six months later police find the letter while serving a search warrant. Not only has the letter not been destroyed, it has been carefully filed as part of the second pedophile's organized collection.

Pedophiles frequently collect and maintain lists of names, addresses, and phone numbers of persons with similar sexual interests, screening the names carefully and developing the list over a long time. The typical pedophile constantly seeks to expand his correspondence. Names are obtained from advertisements in "swinger" magazines, pornography magazines, and even from legitimate newspapers. Correspondence usually begins carefully to avoid communicating with police. In many cases, however, the need to validate behavior continually and to share experiences overcomes concerns for safety. If mistakes lead to identification and arrest, the pedophile network often quickly alerts its members.

Another important motivation for collecting child pornography and erotica appears to stem from the fact that no matter how attractive any one child sexual partner is, there can be no long-term sexual relationship. All child victims will grow up and become sexually unattractive to the pedophile. However, in a photograph, a 9-year-old boy stays young forever.

Therefore pedophiles frequently maintain photographs of their victims. Some photographs may be sexually explicit, with the child nude or in varying stages of undress; in others the child is fully clothed. Although photographs of fully clothed children may not legally be considered child pornography, to the pedophile they are not much different from the sexually explicit photographs.

When photos are seized in a police raid, the pedophile may argue that photographs of fully dressed children are not part of the collection. In fact, they are an important part of the collection. The pedophile often keeps such photographs in his wallet. Many pedophiles even keep two sets of photographs of their victims. One set contains sexually explicit photographs; the other contains non-explicit photographs. Although this distinction may be important for criminal prosecution, to the pedophile each set might be equally stimulating and arousing. These victim photographs are like souvenirs or trophies of sexual relationships.

Uses of Child Pornography and Erotica

Although reasons why pedophiles collect child pornography and erotica are conjecture, we can be more certain of how this material is used. Study and police investigation have identified certain uses of the material.

Child pornography and child erotica are used for the sexual arousal and gratification of pedophiles. They use child pornography the same way other people use adult pornography - to feed sexual fantasies. Some pedophiles only collect and fantasize about the material without enacting these fantasies. In most cases coming to the attention of law enforcement, however, the arousal and fantasy fueled by the pornography is only a prelude to actual sexual activity with children.

A second use for child pornography and erotica is to lower children's inhibitions. A child who is reluctant to engage in sexual activity with an adult or to pose for sexually explicit photos can sometimes be convinced by viewing other children having "fun" participating in the activity. Peer pressure has a tremendous effect on children: if other children are involved, maybe it is all right, the child thinks. In the pornography used to lower inhibitions, the child portrayed will appear to be having a good time.

Books on human sexuality, sex education, and sex manuals are also used to lower inhibitions. Children are impressed by books, and they often believe that if something is in a book it must be acceptable. The controversial sex education book Show Me has been used by many pedophiles for this purpose. Adult pornography is also used, particularly with adolescent boy victims, to arouse and to lower inhibitions.

A third major use of child pornography collections is blackmail. If a pedophile already has a relationship with a child, seducing the child into sexual activity is only part of the plan. The pedophile must also ensure that the child maintains the "secret" and tells no one else of the activity. Pedophiles use many techniques to do so; one of them is through photographs taken of the child. If the child threatens to tell his or her parents or the authorities, the existence of sexually explicit photographs can be an effective silencer. The pedophile threatens to show the pictures to parents, friends, or teachers if the child reveals their secret.

A fourth use of child pornography and erotica is as a medium of exchange. Some pedophiles exchange photographs of children for access to or phone numbers of other children. The quality and theme of the material determines its value as an exchange medium. One Willie Mays baseball card may be worth two or three lesser cards; the same principle applies to child pornography. Rather than paying cash for access to a child, the pedophile may exchange a small part (usually duplicates) of his collection.

A fifth use of the collected material is for profit. Some people involved in the sale and distribution of child pornography are not pedophiles; they are involved to make money. In contrast, most pedophiles seem to collect child erotica and pornography for reasons other than profit. Others combine their pedophilic interests with the need to make money. Often they begin with nonprofit trading, which they pursue until they accumulate certain amounts or types of photographs, which are then sold to commercial dealers for reproduction in commercial child pornography magazines. Some collectors even have their own photographic reproduction equipment. Thus the photograph of a child, taken without parental knowledge by a neighborhood pedophile in a small American community, can wind up in a commercial child pornography magazine with worldwide distribution.

Storage

For pedophile collectors, their collections are probably the most important things in their lives. They will go to great lengths to protect and conceal the collection from discovery or loss. If the pedophile lives with someone who is unaware of this activity, the collection will be carefully and well hidden in a location with limited access. This may be a special hiding place in the residence, or it may be in a safe deposit box or rental storage area. The collection might also be kept where the pedophile works. However, the pedophile has to weigh security against ease of access. A collection is no good if the pedophile can get to it only occasionally.

For collectors who live alone or with someone who is aware of their activities, storage is easier. There is still concern for discovery by authorities, but this discovery is not as likely as discovery of an unknowing family member. Pedophiles like to keep their major collections organized and in one place. Even the messy, disorganized pedophile is usually neat and orderly when it comes to his collection. Letters and photographs are filed to facilitate retrieval. As the collection becomes larger and larger, this order becomes more and more important. Some pedophiles have developed filing and retrieval systems that rival public library book classification systems!

Some pedophiles are now using home or office computers to aid in the storage and retrieval of information in their collections. They also use these computers to communicate with other pedophiles or to locate pedophiles using electronic bulletin boards.

Mr. Chairman, this concludes my prepared statement. I hope that the information furnished will be of assistance to the Subcommittee. I would now be pleased to respond to the Subcommittee's questions.

Senator **Specter**. We will invite Claire Dawson-Brown, trial chief, Travis County Attorney's Office, Austin, TX, to supplement the testimony you have given with some case histories.

Welcome. You are an assistant district attorney?

STATEMENT OF CLAIRE DAWSON-BROWN, ASSISTANT COUNTY ATTORNEY, TRAVIS COUNTY, TX

Ms. **Dawson-Brown**. Assistant county attorney, yes.

Senator **Specter**. Assistant county attorney. OK.

Would you begin your testimony by giving us a little bit of your own background, education, experience in the law, prosecutorial experience?

Ms. **Dawson-Brown**. Yes. My name is Claire Dawson-Brown, and I am assistant county attorney for Travis County Attorney's Office for the last 3 years.

I got my undergraduate degree, B.A. in psychology, from the University of Texas.

Senator **Specter**. Would you pull the microphone a little closer?

Ms. **Dawson-Brown**. And completed my law degree at the University of Texas.

Senator **Specter**. In what year?

Ms. **Dawson-Brown**. 1981.

I have been prosecuting for the last 3 years.

Senator **Specter**. What experience have you had in the prosecution of cases involving allegedly obscene materials?

Ms. **Dawson-Brown**. Well, my experiences began on July 6 of this year. Prior to that, we had not had any information or materials brought to us that involved sex with children. And I must commend Councilwoman Specter because she was involved in a large way in getting the information about the pamphlet, "How to Have Sex with Kids," to us.

It was through a chain of events, starting with the media coverage of the finding of that pamphlet in Philadelphia, the media agent contacted the TV reporter in our town, in Austin, in June, and the reporter started doing some investigation. His name is Bruce Gordon. He, under an alias, ordered a copy of "How to Have Sex with Kids" from David Sonenschein. Mr. Sonenschein was listed on the pamphlet, "How to Have Sex with Kids," as the writer of the introduction, and his post office box number was given as in Austin, TX. Mr. Gordon ordered a copy of the pamphlet at the P.O. box number. He ordered a copy of the currently available list. It is a list that Mr. Sonenschein has of all the pamphlets he can sell.

When the catalog came back to Mr. Gordon, he looked in the phone book and noticed that David Sonenschein's name and phone number and address were in the Austin phone book. So he decided at that point to mail a request for a special Pedo-Pak which was an item——

Senator **Specter**. A special Pedo-Pak?

Ms. **Dawson-Brown**. That is correct.

Senator **Specter**. And what is a Pedo-Pak?

Ms. **Dawson-Brown**. A Pedo-Pak contained three pamphlets: "How to Have Sex with Kids," a pamphlet called "What is Pedophilia Anyway?" and a third pamphlet called "Women Pedophiles."

Senator **Specter**. What was the third one again?

Ms. **Dawson-Brown**. "Women Pedophiles." That is the Pedo-Pak. Those three pamphlets.

Mr. Gordon wrote to the Austin address, not the P.O. box number, because he wanted to verify that this was the same David Sonenschein who was listed with the P.O. box number, and asked that he be mailed two special Pedo-Paks.

He explained in his letter that he had received a currently available catalog but had lost it, and could not remember the post office box number but had been lucky enough to look in the Austin phone book and find his name and address there, and hoped it was the same David Sonenschein. And in fact it was in early July that he received the three special pamphlets in the Pedo-Pak.

So Mr. Gordon felt he had the same David Sonenschein who was the author or the introduction writer.

Senator **Specter**. Before you move ahead in that line, you testified about one pamphlet as to women pedophiles?

Ms. **Dawson-Brown**. Yes.

Senator **Specter**. How does that comport with your earlier testimony, Agent Lanning?

Mr. **Lanning**. Again it certainly is a matter of probably semantics insofar as defining what you mean by a pedophile. I have a particular law enforcement concept of pedophilia, which serves value to law enforcement investigators so that they can predict the behavior of certain types of child molesters.

I know of many, many cases where women have sexually molested children, but they did not fit the law enforcement criteria that I used for pedophile behavior.

Senator **Specter**. Ms. Dawson-Brown, do you have a different law enforcement criteria for pedophilia which would include women?

Ms. **Dawson-Brown**. No. I agree with the definition that was given today.

Senator **Specter**. You would exclude women?

Ms. **Dawson-Brown**. I would not exclude women, but we must remember the source of this pamphlet. This was written by David Sonenschein, who was trying to make the practice of pedophilia acceptable.

I would think that he would be trying to enlist as many people of both sexes into presuming that this is an acceptable type of behavior. I do not think this is something that we can consider as an expert treatise on pedophilia.

Mr. **Lanning**. Mr. Chairman, I would just like to also add that I do not preclude the possibility that there are female pedophiles. I am only stating that I have not seen a case of one that met the criteria, I use for pedophilia.

Senator **Specter**. Ms. Dawson-Brown, would you continue with the sequence as to Mr. Sonenschein?

Ms. **Dawson-Brown**. Mr. Gordon, as I said, received a copy of his Pedo-Pak and, at that point, he was going to continue doing his background investigation in our story.

Well, it happened that in Houston, TX, at the same time that Bruce Gordon was doing his investigation, a fellow by the name of

Robert Woodruff was arrested, and he was charged with sexual abuse of a child, one count, and four counts of promotion of a sexual performance by a child.

Senator SPECTER. Four counts of what?

Ms. DAWSON-BROWN. Promotion of a sexual performance by a child. This is—the statute in Texas which makes it a violation of the law, a felony, if anyone distributes or promotes literature such as the pictures we have seen here.

Senator SPECTER. Do you know what the underlying facts were in the Woodruff case?

Ms. DAWSON-BROWN. I am not a Houston prosecutor but I have been in contact with them.

The underlying facts were—I can describe some of the materials seized. There was a picture——

Senator SPECTER. What was the sexual performance by a child?

Ms. DAWSON-BROWN. There was a picture of Robert Woodruff which he had taken giving oral sex to an infant.

Senator SPECTER. And how old was the infant?

Ms. DAWSON-BROWN. I believe the infant was 6 months old. Approximately in that age.

Senator SPECTER. And there was a photograph of that?

Ms. DAWSON-BROWN. Yes.

Also there were many, many pictures found in his possession of children, age ranges up to about 12, in different poses and different sexual acts, and these were the pictures which were the basis of the——

Senator SPECTER. A description of sex performance would be a categorization, finding the 6-month old being in the picture?

Ms. DAWSON-BROWN. Yes. But that was also sexual abuse because they had a picture of this defendant.

Senator SPECTER. And did they identify the 6-month old child?

Ms. DAWSON-BROWN. Yes, they have.

Senator SPECTER. And they found the circumstances under which the sexual molestation of the 6-month old child occurred?

Ms. DAWSON-BROWN. Yes.

Mr. Woodruff made a confession.

Senator SPECTER. I see.

Has he been tried?

Ms. DAWSON-BROWN. No.

Senator SPECTER. OK.

Would you proceed with the sequence which you were in the midst of, describing really how you came to Mr. Sonenschein?

Ms. DAWSON-BROWN. At the time they caught the Woodruff fellow, they found on him a copy of "How to Have Sex with Children" in his possession, along with slides of children in playgrounds, tapes of shows, such as "Romper Room," in his possession. And they also found on Mr. Woodruff in his wallet David Sonenschein's name, address, and phone number. That information was received by Evan Moore, a reporter for the Houston Chronicle, and he started doing an in-depth background study of Mr. Sonenschein's present occupation.

And on July 6, he released an article in the Houston Chronicle talking about Woodruff and his relationship to David Sonenschein. When that article came out, Bruce Gordon from the television station had not released his story yet. He had been essentially scooped, as the word is used in the journalistic community.

On the morning of July 6, Mr. Gordon called my office very early in the morning and said I have a pamphlet for you to see, will you give me an opinion on it? When he told me the name of the pamphlet, I asked him to come right over, and this was the first point I had ever seen that pamphlet.

Senator SPECTER. The pamphlet?

Ms. DAWSON-BROWN. "How to Have Sex with Kids."

When I looked at the pamphlet, and having recently filed some obscenity cases in our office dealing with films and magazines, I was familiar with the statute at that time. I read through the pamphlet and came to the conclusion that we had an obscenity case under the Texas laws.

Senator SPECTER. You felt the pamphlet, "How to Have Sex with Kids," was legally obscene?

Ms. DAWSON-BROWN. Within the parameters of the Texas laws.

Senator SPECTER. Why did you decide that?

Ms. DAWSON-BROWN. Well, the Texas laws are based directly on the *Miller* v. *California* decision. It is word for word. The test laid out by the Supreme Court.

But the Texas law went on to describe as allowing words alone to be obscene. And I know that many States require that it be a photograph, an electronic recording, or things of that effect, but our law directly contemplates that things that can be read may be considered obscene as long as——

Senator SPECTER. Would you state the legal standard for obscenity as you understand it?

Ms. DAWSON-BROWN. The legal test is that the average person applying contemporary community standards would find that the material, in this case the pamphlet, "How to Have Sex with Kids," taken as a whole appeals to the purely interest in sex and describes patently offensive alternate sex acts which must be specifically defined by the statute. In this case, our statute describes masturbation, anal intercourse, oral intercourse, oral sex, the specific acts, and they were laid out in our statute, and that, as a whole, the material lacks serious literary, artistic, political and scientific value.

When I read this article, and applied these standards, I felt like the statute--the article fell within everyone of these.

Senator SPECTER. What was there about the book, "How to Have Sex with Kids," factually which led you to conclude that it was covered under the legal definition you have just articulated?

Ms. DAWSON-BROWN. First of all, the pamphlet graphically describes sexual acts with children. It describes anal intercourse, it describes masturbatory sex, oral sex, every type of group sex as possible with a child, and specifically talks about it, much like a sex manual would for adults, with the particular audience being sex with prepubescent children, how to effect it because it would be different than with an adult. It promotes it and it advocates it. It tells you how to meet children, to get baby-sitting jobs, to get them to introduce you to their friends. And reason that our office felt, and I personally felt that this fell within the definition of obscenity is, as the statute explains it, is that sex with children is a crime in every State in this Nation. It is a felony.

The U.S. Supreme Court in *New York* v. *Ferber* upheld strict anti-child pornography laws like the law, promotion of sexual performance by a child. It does not have to meet the *Miller* test. It does not have to be obscene. The fact that you have a child in a film or tape committing any kind of described sex act is per se a violation of that law. It does not have to be tested under whether it is patently offensive. And sex with children is taboo in our society, will be, is, and I do not think that is going to change.

Senator Specter. When you deal with the definition of obscenity as it applies to children, there is a different standard well accepted in the law that you can have a double standard. It can be obscene as to children and not obscene as to adults

Ms. Dawson-Brown. That is correct.

Senator Specter. As you view the book how to have sex with kids, do you apply the adult standard or the children's standard?

Ms. Dawson-Brown. I apply the adult standard because my reading of the law is that the standard for children is whether or not they are going to be the audience for the material. In other words, you cannot have certain materials low on shelves in convenience stores so that children can see it. They are not obscene per se but if it is available to children it would be violative of that obscenity law.

Senator Specter. Back to the Woodruff case. You say that Mr. Woodruff, who is the defendant in that case and you have described it, he has already confessed, had in his possession the book "How To Have Sex With Kids."

Ms. Dawson-Brown. Yes.

Senator Specter. What links, if any, are there between his having seen the book and the having child molestation or having sex with children?

Ms. Dawson-Brown. Well, we can only speculate as to what the links are. Mr. Woodruff was a friend of David Sonenschein's. They know each other.

Senator Specter. Was what?

Ms. Dawson-Brown. A friend of David Sonenschein's. They communicate with each other, they visited each other and as I said, he had his phone number and address in his office.

I agree that the problem with the book "How To Have Sex With Kids" is that it justifies their behavior. It rationalizes their behavior, it makes them feel it is acceptable. And I believe, and I will explain a better case why I am more convinced that this is so, is that there are potentially thousands and thousands of people out there who have had this suppressed desire but because of the taboo in our society that you cannot have sex with children they have managed to hold back and not indulge in this type of behavior. But a book such as "How To Have Sex With Children" will all of a sudden make them think, well, it is OK. I need to join this group of people, I need to communicate with them and this is not that, this is not taboo and it is now going to become an accepted part of our behavior in our society.

Senator Specter. Do you think a book like "How To Have Sex With Kids" is a triggering factor with some pedophiles to having sex with kids?

Ms. Dawson-Brown. I would think it would be, yes.

Senator SPECTER. Would you think that would make it illegal under the obscenity laws?

Ms. DAWSON-BROWN. Yes. I wouldn't be prosecuting it if I didn't truly feel that this violates our Texas obscenity laws.

Senator SPECTER. Well, aside from its quality of being obscene as you have already defined it, would it violate any law if in its content it was a triggering factor in inciting someone to have sex with children or to contribute to the delinquency of a minor or corrupt the morals of a minor?

Ms. DAWSON-BROWN. Under the penal statute we have now in Texas, no. It would have to be under the obscenity law.

Senator SPECTER. You have laws which prohibit inciting to riot?

Ms. DAWSON-BROWN. Yes.

Senator SPECTER. Inciting to murder?

Ms. DAWSON-BROWN. No.

Senator SPECTER. Soliciting murder?

Ms. DAWSON-BROWN. Yes.

Senator SPECTER. Would it constitute a solicitation to corrupt the morals of a minor?

Ms. DAWSON-BROWN. At this point I—we do not have a——

Senator SPECTER. Should there be a law which would make it illegal if it is a triggering factor to corrupting the morals of a minor?

Ms. DAWSON-BROWN. I believe that that would be a statute which would be beneficial. As you know, the *Miller* standard is very difficult and I believe we are going to be able to prove the *Miller* standard in this case. But we would have a much easier time if we had a law such as you have described, much like the much stricter standards in the promotion of sexual performance.

Senator SPECTER. Well, aside from being easier, you would have similar first amendment considerations, you would have printed material, you would have the expression of ideas. It would be a different legal approach. It would be the clear and present danger test to criminal conduct. You cannot shout fire in a crowded theater it incites to a riot.

Ms. DAWSON-BROWN. That is right.

Senator SPECTER. You referred to another case, Ms. Dawson-Brown?

Ms. DAWSON-BROWN. Yes, just last week in Austin and arrest was made of a man by the name of William Norris. Mr. Norris is also a friend of David Sonenschein and Robert Woodruff and the way Mr. Norris was found was through the pictures that Robert Woodruff had on him when he was arrested. In talking to the police, Mr. Woodruff implicated William Norris, said that he had received these pictures from Mr. Norris in Austin, TX. And a search warrant was executed of Mr. Norris' home and his home copies of the same pictures were found and copies of a picture of a 3-month—a 3-year-old boy masturbating were found and piles and piles of literature much like you are seeing here. He had cut out a piece of paper, any kind of article written in the paper that had anything to do with sex.

Senator SPECTER. Was Mr. Norris connected with the book "How To Have Sex With Kids?"

Ms. DAWSON-BROWN. We did not find that book in his possession but they found other erotics by Mr. David Sonenschein. But we are still going through the packs of material that we found in the home.

Senator Specter. And all of this sequence that you have described originated with the stories out of Philadelphia that were initiated by Councilwoman Specter on the book "How To Have Sex With Kids"?

Ms. Dawson-Brown. Well, the Bruce Gordon part of it did, yes. It was really two stories coming together at the same time.

Senator Specter. But the Bruce Gordon story out of Austin, TX, was initiated when he heard about the book "How To Have Sex With Kids" and the publicity when Councilwoman Specter found it in Philadelphia?

Ms. Dawson-Brown. That is correct. And the Houston Chronicle when they found the pamphlet on Robert Woodruff, he was charged with actual acts, sexual abuse of a child.

Senator Specter. Had the participants in the Houston Chronicle story known about the presence of the book in Philadelphia?

Ms. Dawson-Brown. I do not believe so. I would have to check with the reporter on that.

[The prepared statement of Ms. Dawson-Brown follows:]

PREPARED STATEMENT OF CLAIRE DAWSON-BROWN

As a prosecutor in a misdemeanor court in Texas, I am charged with the duty of enforcing the obsenity law. Most often obscenity cases involve sexually explicit film, magazines, books or sexually oriented devices. I do not know of a recent case where words alone were the basis for a criminal prosecution of obscenity. Three months ago, if you had asked me or any other prosecutor in my office if we would be prosecuting a case on words alone, I am sure there would have been a resounding, "No". However, our answer would be quite different today since reading the pamphlet entitled HOW TO HAVE SEX WITH KIDS.

First, I can only discuss what is filed as public record or what has already been revealed to the press. I do not want to jeopardize the prosecution of the obscenity case or any case which lead to or resulted from the filing of the obscenity case.

I learned of the pamphlet HOW TO HAVE SEX WITH KIDS on the morning of July 6, 1984 when a TV newsreporter for KTBC-TV, Bruce Gordon, called and asked me if I would look at a pamphlet he had acquired and give him my opinion on it. When he told me the title of it I asked him to bring it over. I was immediately curious about how he had come across the pamphlet. Mr. Gordon related that on June 7, 1984 he had been contacted by a TV reporter in Philadelphia. Apparently several copies of the pamphlet were found in a bookstore there and the citizens and officials were outraged by the contents. The pamphlet contained the Austin, Texas P.O. Box number of David Sonenschein and the Austin Pedophile Study Group II. The Philadelphia TV station asked Bruce Gordon to see what he could find out about David Sonenschein.

Bruce Gordon wrote Sonenschein at the P.O. Box, using an alias, and requested a catalog. On June 18, 1984, Mr. Gordon received a catalog of available material. He then checked the Austin phone book and found a listing for David Sonenschein with a street address. Mr. Gordon again wrote Sonenschein, this time requesting to purchase an item described as a special PEDO-PAK. The letter was sent to the street address with the explanation that he had lost the P.O. Box number but was lucky enough to find Sonenschein's name in the phone book.

On July 2nd, 1984 Bruce Gordon received his two special PEDO-PAKS. Each PEDO-PAK contained three pamphlets entitled What Is Pedophilea, Anyway?; Women Pedophiles; and HOW TO HAVE SEX WITH KIDS. At this point Bruce was going to complete his investigation of David Sonenschein and prepare a story to air.

In Houston, at the same time Bruce Gordon was doing his investigation, Robert Woodruff was arrested for sexual abuse of a child and four counts of promotion of a sexual performance by a child. Woodruff had photo albums of nude children; pictures of himself having oral sex with an infant; and pictures of children in parks and schoolgrounds. He also had a copy of HOW TO HAVE SEX WITH KIDS and David Sonenschein's name, address, and phone number is his wallet. This story was published in the Houston chronicle on July 6th, 1984, with an in depth article on David Sonenschein's past and present written by Evan Moore. This bit of journalistic scooping is what finally got the pamphlet to our office.

The pamphlet can only be described as a sex manual for sex between adults and pre-pubescent children. It explains how to meet children, how to keep your relationship secret, how to persuade children to have anal, oral, vaginal, masturbatory, and group sex. These sex acts are described graphically with editorial remarks interspersed. There are no photos or drawings of nude bodies. However, the descriptions are graphic enough to excite pedophiles who live to have sex with children. The pamphlet teaches them how to perfect their suppressed desire.

Some would argue that this pamphlet is only the advocacy of an idea and is therefore protected speech under the first amendment. I see it differently and honestly feel from the community responses in Austin, Houston, and Philadelphia that the average person using contemporary community standards would see it differently, too.

The Texas obscenity law, which is modeled directly after the law set down by the U.S. Supreme Court in Miller v. California, 93 S. Ct. 2607 (1973), specifically states that obscene material can be just words. The statute requires that the average person applying community standards would find that, taken as a whole, the material appeals to the prurient interest in sex; describes patently offensive ultimate sex acts; and lacks serious literary, artistic, political, and scientific value.

Every state in the U.S. punishes sex with children as a felony. The U.S. Supreme Court in New York v. Ferber, upheld strict anti-child pornography laws which do not require the Miller balancing tests. Sex with children is strictly taboo in our society, and that will not and should not change. Therefore, a pamphlet which graphically describes these illegal, abhorrent acts and promotes these as normal, desirable, and good is surely more patently offensive and harmful to society than any picture of two consenting adults could be. There can be no serious literary, artistic, political, or scientific value to such descriptions and advocacy of these illegal acts.

My belief that this material is harmful was reconfirmed last week when a second arrest was made in Austin. A friend of both Robert Woodruff and David Sonenschein, named William Norris, was arrested for distributing nude pictures of a three year old child masturbating. Numerous other photos, pictures, and articles were found in his possession; among them were some of David Sonenschein's writings. Woodruff and Norris apparently swapped pictures of nude children for their sexual gratification.

My brief encounter over the last month has opened my eyes to the all-consuming nature of pedophilia, the rapid spread of this sickness, and the need to protect our children from victimization by pedophiles, possibly taught or encouraged to commit the act by pamphlets like HOW TO HAVE SEX WITH KIDS.

Senator SPECTER. I would be interested to know if they did.

If you two would keep your seats and I would like to have you joined now by Katherine Brady and Ms. Dorchen Leidholdt.

We welcome you here, Ms. Brady. We understand that you have had some experience yourself which bears directly upon the subject matter and we will ask Agent Lanning and Prosecutor Dawson-Brown to stay because there may be some overlap on the issues which will be raised and we welcome you here—you are called Ms. Leidholdt? You are the cofounder of Women Against Pornography, a national feminist organization based in New York; and you will be introducing Ms. Brady.

Will you start, Ms. Leidholdt, by giving us a little bit of your own background and the background of your organization, Women Against Pornography.

STATEMENT OF KATHERINE BRADY, NEW YORK, NY, INTRODUCED BY DORCHEN LEIDHOLDT, WOMEN AGAINST PORNOGRAPHY, NEW YORK, NY

Ms. LEIDHOLDT. Yes, I have a bachelor's degree from Randolph-Macon Woman's College and a master's degree from the University of Virginia. I started out with this issue 10 years ago when I worked as a rape crisis counselor.

Women Against Pornography was founded in 1979 and we have since become a national organization with approximately 10,000 members around the country. I would like to commend you, Mr. Chairman and the Senate Subcommittee on Juvenile Justice for holding this hearing on the role of pornography in the sexual abuse of women and children. Until now the emphasis in the legal system has been on the injury to the child model alone.

Although the damage sustained by children used in pornography is very real, they are not its only victims. Countless numbers of women and children are abused by men whose attitudes toward females and sex have been shaped by pornography. Often pornography is used in the acts of rape and molestation, as we heard.

Recently, feminists have proposed that the injury inflicted on women and children through pornography is so grave and so systematic that pornography constitutes a violation of women's civil rights. My organization concurs with that proposal.

In just a couple of minutes, Katherine Brady, a woman who has survived both incest and pornography, will testify about her abuse. I think it is important to understand that the kind of abuse that she was subjected to is not aberrant and rare. Parents United has estimated that one girl out of four will be sexually abused before age 13. Experts estimate that the pornography industry reaps approximately $8 billion a year, more than the film and record industries combined, and that there are more pornography stores in this country than there are McDonald's.

Senator SPECTER. $8 billion a year?

Ms. LEIDHOLDT. $8 billion a year.

Senator SPECTER. How do you calculate that?

Ms. LEIDHOLDT. The California Department of Justice gave that estimate. And I think that how the pornography and the sexual abuse come together will be clearly illustrated in Katherine Brady's remarks.

I would just like to touch very quickly on a couple of important points to supplement her testimony.

First, a lot of people are under the impression that the only kind of pornography that advocates child sexual abuse is pornography in which the models are under age 18. This is not true. One of the most popular categories of pornography sold in porn shops around the country includes magazines like this one. Its title is "Cherry," and the model on the cover is a very young woman, probably just 18 years old but posed and dressed like a little girl. Notice the headline, "The kinky lust of young girls." This is the classic justification for child sexual abuse—"the little girl wanted it."

Polly Kahl, director of the Crime Victims' Center in Reading, PA, has alerted our organization to Selec TV, a national cable television service based in Marina-Del Ray, CA, which offers "adult" programing. Recent offerings include such films as "Daddy's Little Girls," "Justine: A Matter of Innocence," and "Taboo."

If we are going to really address pornography that promotes child sexual abuse, we are going to have to look at the three best-selling pornography magazines in the country: Playboy, Penthouse, and Hustler. This is a cartoon from Playboy. It shows a little girl leaving the bedroom of a middle-aged man. The caption reads, "You call that being molested." The idea is that the poor man cannot satisfy this sexually voracious child.

Senator SPECTER. What do you suggest that we do with those magazines?

Ms. LEIDHOLDT. I think that we really ought to consider that these magazines may indeed be sex discrimination, may indeed foster the second-class status of females in the society.

Senator SPECTER. Do you think they are obscene?

Ms. LEIDHOLDT. The problem with the whole concept of obscenity is it does not identify the harm. It does not identify who is being hurt and how the people are being hurt and the fact that primarily it is women and children.

This is a cover of Hustler magazine. How old does this girl in pigtails look? And it continues inside. There she is with her raggedy-Ann doll and pigtails.

Catharine MacKinnon, a University of Minnesota law professor and antipornography activist, has suggested that what this kind of pornography does, in effect, is lower the age of majority to around age 13. And some of these publications—like Playboy, with its cartoon—lower the age of majority to ages 5 or 6.

Senator SPECTER. What remedies do you suggest; what actions should be taken by law enforcement officials?

Ms. LEIDHOLDT. I would like to see government around the country consider legislation that would empower the victim to take action against pornography and I think that—I will repeat again—I think that pornography should be considered sex discrimination. I think that women should be able to go to civil rights commissions with the examples of pornography and say: This pornography is a violation of my civil rights.

Senator SPECTER. Has there been any effort to do that under existing law?

Ms. **Leidholdt**. Well, in fact such an ordinance was passed in the city of Indianapolis.

Senator **Specter**. How is the ordinance——

Ms. **Leidholdt**. It was immediately challenged by a ACLU-backed coalition of bookstores, a cable TV station, and a video tape distributor. Some of these stores sell pornography. And it is tied up in the courts now and I believe that there will be a decision sometime in September and I think a lot rests on that.

I would like to make just one last point and that is that pornography is used against adult females—and I guess I would differ with Mr. Lanning—in the same way that it is used against juveniles. Our office has received hundreds of calls and letters from women who have been pressured and coerced by their husbands or boyfriends to watch—and often reenact—scenes from pornography. We frequently hear from women whose bosses and coworkers have forced pornography on them at work. We are continually called by women who are humiliated and frightened by the pornographic images that assail them on every city street corner and in every drugstore. If anything, the damage inflicted on women by pornography is even more widespread—I am not saying more severe, but more widespread than damage done to children. And adult pornography, like child pornography is made out of the humiliation and abuse of women. I think the idea of consent is a myth because if you study the women who are used in pornography, you realize that many of these women were in fact sexually abused as children and it sets them up in a whole cycle of sexual abuse.

Finally, the evaluation of pornography's harm to children must take into consideration a very disturbing fact, and that is that many of the sexually abusive males programmed by pornography are themselves children. Last fall, we received this letter from a woman whose 14-year-old daughter was being recruited for Hustler magazine's "Beaver Hunt" by two 14-year-old boys in her class. And this is the letter from the 14-year-old boys to the 14-year-old girl which begins:

> Dear Ms. Smith: My associate and I are scanning the country for girls, not just any girl, girls who will expose themselves on film. We are talking bare-assed. We were wondering if you would like to become one of these most fortunate girls.

And the letter goes on in that vein. If anybody wonders whether or not magazines like Hustler are having an impact on boys, I think it is evidence to that effect.

In December's hearings on pornography before the Minneapolis City Council, experts testified about two separate cases in which teenaged boys papered hideaways with pornography and then lured young girls into their "forts" and raped them. And I think that Senator Denton mentioned the 9-year-old boy who, along with his 7-year-old brother, raped a baby girl with a pencil and coat hanger before murdering her. The boys explained that they were imitating their parent's pornography magazines.

The Harborview Sexual Assault Center in Seattle, WA, has reported that 43 percent of the sex offenses reported to the center are committed by adolescents, many between ages 10 and 15. These figures should come as no surprise. With an estimated 2 million American homes subscribing to cable services that offer only pornographic programs and with new forms of pornographic entertainment like home video games, more and more boys are regularly exposed to heavy doses of pornography than ever before.

But I think that statistics only point to the problem, and to understand the dynamics and the injuries of sexual abuse and pornography, we must listen to the real experts—the women and girls who have survived the abuse. I would like to introduce Katherine Brady.

Senator SPECTER. Well, we had you on the agenda as introducing Ms. Brady. That was quite an introduction.

Before we hear from Ms. Brady, there are many questions which you raised.

You identify three magazines. Which ones were they again?

Ms. LEIDHOLDT. Playboy, Penthouse, and Hustler.

Senator SPECTER. Do you think they ought to be banned from being on the streets?

Ms. LEIDHOLDT. I think that women ought to have the opportunity——

Senator SPECTER. Playboy, Hustler, and what?

Ms. LEIDHOLDT. Playboy, Penthouse, and Hustler. They are the best-selling pornography magazines. Penthouse I know has a circulation of 5.5 million readers.

Senator SPECTER. Do you think they ought to be banned?

Ms. LEIDHOLDT I do not support bans. I do not think that is a tack to take. I think that women should have a way——

Senator SPECTER. How?

Ms. LEIDHOLDT. Of fighting against this kind of pornography because we are its victims.

Senator SPECTER. Well, now, the people who are photographed, the models who are photographed have consented?

Ms. LEIDHOLDT. Not necessarily.

Senator SPECTER. Wait just a minute. Do you challenge whether their consent is valid?

Ms. LEIDHOLDT. Well, I——

Senator SPECTER. Now wait just a minute. As I understand it, you are raising the point that beyond the specific model whose photograph, for example in Penthouse, that all women are having their civil rights violated because any woman appears in Penthouse is in a position which is offensive, disgusting, degrading to women; that is your point?

Ms. LEIDHOLDT. My point is that the women in pornography stand for women as a class. They are not just individual women. And pornographic materials influence, they have a profound influence, on the attitudes of men and boys. We know that there are 18 million men who regularly subscribe to soft core pornography magazines and I——

Senator SPECTER. Soft core, which is?

Ms. LEIDHOLDT. That really runs the gamut. I think these ideas of soft core and hard core are rather silly, but that runs the gamut from let us say Playboy to High Society. I think that these magazines develop male sexuality to a large extent. They are often the way that boys are introduced to sex at ages as young as sometimes 5 or 6 but more often in their teenage years when they are very impressionable. And I think it teaches boys and men how to relate to women sexually. It has an enormous impact on their attitudes and behavior.

Senator SPECTER. And you think that women as a class have their legal rights violated?

Ms. LEIDHOLDT. I think that——

Senator SPECTER. Excuse me. You think that women as a class not for having their legal rights violated by the way women are depicted in magazines like Playboy?

Ms. LEIDHOLDT. I think we are having our civil rights violated and I also think that we are also having our human rights violated because much pornography literally depicts the torture of women.

Senator SPECTER. Because these magazines depict women in a way that is degrading to women?

Ms. LEIDHOLDT. Yes.

Senator SPECTER. And it leads to abuse of women by people in society who read the magazines?

Ms. LEIDHOLDT. I think it leads to very systematic sexual abuse of women and children and I also think it keeps women as second-class citizens. It keeps women inferior. It keeps men perceiving and treating women as inferior and therefore it keeps us inferior in society.

Senator SPECTER. Maybe we will give equal time to Playboy, Hustler, and Penthouse. It is a far-reaching theory that you articulate and one which is worth exploring in terms of what the consequences are.

You are really making a very broad attack on some very deeply ingrained institutions in our society which currently have protections under the first amendment and that require those protections in a series of very intensely litigated at least on the appearance very carefully considered judicial decisions. Cases have been going on in this field in a variety of contexts since *Lady Chatterly's Lover's* case and before. Brigitte Bardot in the fifties and a whole series of cases that you are making is that these decisions are ill-advised, they are really wrong and they are very significant rights which are being violated. And the first amendment protections are inappropriately placed.

Ms. LEIDHOLDT. Yes, I do not think that the harm of pornography has been really correctly identified until recently and I think that we have to think about the 14th amendment considerations as well.

Senator SPECTER. You have been introduced, Ms. Brady.

STATEMENT OF KATHERINE BRADY

Ms. BRADY. Thank you, Chairman Specter.

My name is Katherine Brady. Although I am currently living in New York City, was born and raised in Green Bay, WI.

Senator SPECTER. Could you pull the microphone a little closer?

Ms. BRADY. Yes.

I was born in the Midwest.

Senator SPECTER. Whereabouts?

Ms. Brady In Dubuque, IA, and I was educated and married and lived for over 23 years in Green Bay, WI.

I am a single parent with two daughters, ages 12 and 13. And I am testifying here today as both an incest survivor and a child abuse prevention activist.

My father incestuously molested me——

Senator **Specter**. As an incest survivor?

Ms. **Brady**. I survived.

Senator **Specter**. Yes. You are testifying as an incest survivor?

Ms. **Brady**. Yes.

Senator **Specter**. Yes, I just wanted to hear that. I did not think it was clear.

Ms. **Brady**. And as a child prevention activist.

My father incestuously molested me for a period of 10 years, from the time I was 8 years old until I was 18. The experts report that both the age and duration of the molestations are normal for incest victims.

During the early stages of the molestation, my father used pornographic materials as a way of coercing me into having sex with him. In the beginning, the pornography consisted of materials he confiscated from inmates of two State institutions where he worked. He was employed as a prison guard at the Central State Mental Hospital, Waupun, WI, and subsequently worked as a training and corrections officer at the Reformatory for Boys, Green Bay, WI.

My father used the pornography for several purposes. First of all, he used it as a teaching tool—as a way of instructing me about sex and about what he wanted me to do with him. When he showed me the pictures, he would describe the acts in detail: "This is fellatio," "This is what you do in intercourse," and so forth.

Second, my father used the pictures to justify his abuse and to convince me that what we were doing was normal. The idea was that if the men were doing it to the women in the pictures then it was OK for him to do it to me.

Finally, he used the pornography to break down my resistance. The pornography made the statement that females are nothing more than objects for men's sexual gratification. How could I refuse my father when the pornography showed me that sex is what women and girls are for?

When I was 10 years old, my father first told me about pornography and then sneaked it to me for private viewings after sending my mother and brother away.

Senator **Specter**. Was your mother living with the family all during this period, 8 to 18?

Ms. **Brady**. Pardon me?

Senator **Specter**. Was your mother living with you and your father all during this time that you were——this 10-year interval?

Ms. **Brady**. I guess you could say, Chairman Specter, that we had the typical middle-class Midwestern family.

Senator **Specter**. I am not too sure about that.

Ms. **Brady**. She was living with us all during the years of the use of the pornography.

Senator **Specter**. I grew up in the Midwest myself and I would not say that was a typical Midwestern family. But let us explore that for just a minute.

Did you ever complain to your mother?

Ms. **Brady**. Pardon me?

Senator **Specter**. Did you ever tell your mother what was going on?

Ms. **Brady**. About the pornography?

Senator **Specter**. Yes, about what your father was doing.

Ms. **Brady**. When my father showed me the pornography, well, it started about 8, about 10 he told me not to tell my mother anything about what he was doing with me.

Senator **Specter**. Where did this conduct go on? Was it in your house?

Ms. **Brady**. Yes.

Senator **Specter**. Was your mother ever in the house at the time it went on?

Ms. **Brady**. It was typical in the fact our family was typical in the fact that he was the authority. He was the head of the household. He was in charge.

Senator **Specter**. Were you afraid to tell your mother?

Ms. **Brady**. He would send her away like she was a child also, on errands.

I think if I could continue my statement it explains some of the questions.

Senator **Specter**. OK. I will come back to the questions.

Ms. **Brady**. When he showed me the pornography for the first time, this is what it was like:

As I sat down on the bed, he spread out the pictures so that I could see them. They showed men and naked women in all sorts of sexual positions with each other. Looking at them, I felt a rush spread through my body, and once again the cycle was set in motion: intense sexual desire, total revulsion, increasing excitement, abandonment of reason, surge of climax, sense of sin and guilt and the shame of it all, resolve to forget it until next time.

This passage is an excerpt from my book, "Father's Days: A True Story of Incest.

My body developed early—when I was in the sixth grade. I menstruated in grade school. Once I was in puberty, my father escalated the molestation and, by that time, his use of pornography had subtly coerced me into submission. I had learned from his lessons with pornography that I had to submit to his abuse of my body. Because I was afraid of his physical power and verbal authority, it never occurred to me to challenge his use of pornography or his abuse of me. The pornography frightened me, it confused me, and yet it excited me, and I felt trapped. My only means of surviving phychologically was to become detached—to send my mind off—to pretend that the abuse was happening to someone else. In that I pretended for many years that I had a "normal family." The truth is that the pornography trained me to respond to my father's sexual demands.

Years later I married, and several years into the marriage my now ex-husband introduced me to other forms of pornography—popular, so-called men's magazines like Playboy. Although the pictures in these magazines were sleek and glossy—unlike those of my father's home-made pornography—their message about women and girls was basically the same. Like my father, my husband was using pornography to tell me what he wanted me to be and do.

Like my father, my husband was telling me that females were just sexual play things. The introduction of pornography into my marriage perpetuated the damage to my self-image and self-esteem. It brought into our love-making an element of violence. It made me think of my body as an object of abuse. Ultimately, it contributed to the deterioration of what might have been a joyous emotional and sexual relationship.

It would be comforting to think that my experiences of sexual abuse in childhood and sexual degradation in marriage are very rare experiences for girls and women. But since the publication of my story, I helped found the Katherine Brady Foundation which is a national clearinghouse for victims of child sexual abuse, and I began to work actively with Women Against Pornography. I encountered hundreds and hundreds of survivors of sexual abuse, as well as dozens of mental health professionals. I learned that my own experiences of abuse through pornography were not unusual.

Pornography is frequently found in homes and other places where children have been sexually abused. Last December the Minneapolis city government held 3 days of hearings about victimization through pornography—I have that transcript here—and Bill Neiman—and Senator Denton alluded to this earlier—a county, testified:

> * * * pornographic materials are found, if not in the majority of cases, then in very close to the majority of cases, in the home of the person who is sexually abusing the children.

It is not just child pornography that is used in the sexual abuse of children. Very often it is standard, popular pornography, displaying the bodies of adult women. Sometimes these magazines depict women in little-girl attire or in childish poses, and these pictures are then used to abuse real little girls.

Mr. Neiman described a case in which a little girl was repeatedly abused through adult pornography, and he considered this case typical:

> * * * this young girl was raped, I believe, by her stepfather * * * And one of the things that he did as part of the sexual assault of the girl is he would sit on the toilet undressed, and she would be undressed, and he would have her, while undressed, hold up the centerfold of a magazine. And while she was holding this and standing naked he would masturbate.

If we are going to seriously challenge the abuse of children through pornography, we are going to have to look at all pornography.

My contact with other survivors of incest—and they are legion in this country—has taught me that my father's use of pornography to teach, and frighten, and coerce, and persuade is also very common. The incest perpetrator will show the child pornographic pictures of smiling girls or women and say, "Look at them. They like it. So what is the matter with you?"

One factor that contributes to children's reluctance to report sexual abuse is that pornography persuades the child that the acts are normal. Recently, a young woman testified:

> I was raped by my father for over a year, from 6 to 7 years old. Also, I saw the pornography literature, paperback books, black and white magazines in my father's bedroom through the entire time of my childhood and into my teenage years until I left. I did not know that the sexual abuse and physical abuse were wrong.

There is an important connection among incest, pornography, and prostitution, which I will briefly touch on. Girls and women whose self-image is destroyed through sexual abuse in childhood, often with the use of pornography, are vulnerable prey for pimps and pornographers. Voices, an organization for incest survivors, estimates that 75 percent of young prostitutes have been sexually abused in childhood, and Voices' spokesperson Sandra Butler has declared that the women working in the pornography industry are "our people." What she means is that many, many of these women were sexually molested as children. We are looking at a chain of abuse, and pornography is a critical link in the chain.

Although I do not know exactly what role pornography played in my father's sexual and psychological development—he is very reticent about such matters—his perceptions of women and girls are straight out of pornography. He used to tell me stories about when he was in World War II and the acts that he saw, for example, about the story about donkey raping a child. He also developed a game which he showed me, he pretended like he was wiring my breasts together and was almost the way I look at it and write about it in Father's Days, is almost a setup for an S&M kind of attitude in my psyche. And I think now: Where did he get that game, which was a violent sexual act that he did to me?

And my firsthand discussions with girls and women who have been sexually abused have indicated that a significant number of sexually violent men use pornography, and, in fact, learned about sex through pornography. Gary Kaplan, executive director of Alpha Human Services, has stated:

> I have yet to work with an offender that does not use pornography. I have had a number of offenders who made the statement that pornography, they believe for themselves, was directly responsible for where they got their ideas. Very early in their lives they were exposed to pornography and that these messages and images about women, about what sexuality is, this is where they got their education. And they believe that that exposure early in their life had a direct effect upon them as to why they then acted out later on.

I would like to thank you, Chairman Specter, and the Senate Subcommittee on Juvenile Justice for listening to my testimony. It is only recently that survivors of sexual abuse and pornography have been given the opportunity—and the support—to speak publicly about their injuries. It is my belief that if we confront this abuse and degradation openly, we will be able to find a way to stop it.

Thank you.

Senator SPECTER. What is the answer to stopping it, in your opinion, Ms. Brady?

Ms. BRADY. Well, I do concur with Women Against Pornography's stand and Dorchen's stand that she stated to you.

Senator SPECTER. Do you think that these magazines off the stand, Playboy, Hustler, Penthouse?

Ms. BRADY. I think it is a violation of civil rights, my civil rights and it does degrade all women, especially as a parent——

Senator SPECTER. Well, do you come to grips with it by saying that these magazines ought to be banned?

Ms. **BRADY**. I do not think in terms of banning. I think in terms of empowering women and children like my 11- and 13-year-old daughters with the rights to——

Senator **SPECTER**. Right to do what?

Ms. **BRADY**. Prosecute if someone does use pornography to get them into pornographic filming or prostitution or sexually molest them or rapes them, et cetera.

Senator **SPECTER**. I need to know what year it was when you first saw—or I would like to know what year it was when you first saw these materials to get some idea of what your father was showing you. What did he show you when you were 8? What year was it?

Ms. **BRADY**. Between ages 8 and 10 for me, and that is what the experts call the fondling setup period of incest.

Senator **SPECTER**. What year was this?

Ms. **BRADY**. What year? It was in the 1950's, 1950's. He had—it was the pornography was yet another way he forced me to have sex.

Senator **SPECTER**. There was not much by way of the magazines which were sold, they were not explicit in the 1950's; early 1950's?

Ms. **BRADY**. He had the homemade type, the homemade pornography.

Senator **SPECTER**. That he got from prisoners?

Ms. **BRADY**. That he got from prisoners. This one picture was a large—this is etched in my psyche—there was a large oil painting done by one of the prisoners and my father was so excited about it when he explained it to me, and I think I was like—well, like I was a child. It was something I did not know about. He was teaching me about pornography and verbally explaining it at the same time. And the scary part, as I read to you, was really not knowing what it was. And it is interesting because I was so conditioned to be a victim in my childhood that when I married I was kind of like a victim wife, too, for I think the use of Playboy in the marriage, I think I had the same kind of attitude, I did not realize what it meant and what it was doing to me because I really did not have a sense of my own self-esteem.

Senator **SPECTER**. Did you ever complain to anybody about this conduct?

Ms. **BRADY**. I tried to, as a child.

Senator **SPECTER**. Did you ever complain to your mother?

Ms. **BRADY**. Yes, a lot of people want to scapegoat women and blame the mother for what the father did. You know, that is another thing——

Senator **SPECTER**. Will you answer my question? Did you ever complain to your mother that your father was sexually abusing you?

Ms. **BRADY**. Yes, I did.

Senator **SPECTER**. And what did she say?

Ms. **BRADY**. She was absolutely shocked.

Senator **SPECTER**. She was shocked and what did she say?

Ms. **BRADY**. It was inconceivable for her to hear that I was telling her that my father was molesting me. And this is a direct contradiction to Mr. Lanning's statement, because I think what you have done is isolated the pedophile in this country, and I know child sexual abuse is rampant. But my father was like so many incest perpetrators; there are hundreds of thousands of them. We have an incest epidemic in America. My father was a typical middle-class, nonalcoholic, nondrug abuser person, churchgoing.

Senator SPECTER. Why do you say there is an incest epidemic in America?

Ms. BRADY. Because there is, 1 out of 4 girls before she reaches 13 in America, she is sexually molested at home by fathers, stepfathers, uncles——

Senator SPECTER. What is the evidentiary basis for that? What evidence do you have of that?

Ms. BRADY. That is a national statistic.

Senator SPECTER. What is the evidentiary basis of that? We know of your experience but what do we know of the experience of 1 in 4?

Ms. BRADY. Well, I can quote Sandra Butler's work and her book is called "Conspiracy of Silence"——

Senator SPECTER. We have to move on. Let me just ask you one or two other questions.

I would like at this time Noreen Gosch and also Dr. Neil Malamuth, because we are running quite late. Keep your seats. We will bring another chair up because we may want to have some more discussion.

How old is your father today?

Ms. BRADY. Seventy-two.

Senator SPECTER. Do you have a relationship with him?

Ms. BRADY. We have what we can have considering that he destroyed any chance of a normal father-daughter relationship.

Senator SPECTER. Do you see him from time to time?

Ms. BRADY. From time to time. We live on two different coasts.

Senator SPECTER. OK.

Well, the testimony is very important and I think we may—we may want to pursue this particular line at another time. There are a lot of loose threads and I would ask both of you women to give some thought to what the remedy is, where do you want to go? You come right up to the line of banning the books but you do not want to ban the books. You want to have remedies, you want to have rights for women who are injured, you want to sue somebody.

You want to stop something and I would ask you to give some thought to that. I would like to have a followup discussion with you through staff or perhaps myself as to where you want to go, because essentially what you are saying is stopping the publication of the books. You may have a legal basis for saying so. But to do so, you are coming smack against some of the most fundamental first amendment protections as interpreted by the courts that exist in our society. If there is a body of evidence which would support a conclusion that women as a class are being degraded and they are having their rights violated, civil rights or their rights generally, then that is something which ought to be aired. But you have to come to grips with what you want to do.

Welcome, Ms. Gosch.

I am advised that your son Johnny disappeared while on a paper route back in Des Moines back in September 1982. We have been joined by the distinguished Senator from Iowa. We have had a couple of Iowa references, Senator Grassley. I would be pleased to call on you at this time for any opening statement you care to make or any questions you care to ask.

Senator **Grassley**. I think you do a great service, Mr. Chairman, by having this hearing. And it is a continuation of a long line of very precedent-making hearings that you have conducted in this subcommittee. I want to commend you for that. And there is nobody that can tell the story of the Gosch family like Noreen Gosch, there is no one who understands the terror and the problems that that family has gone through. So I guess the best I can do, Mr. Chairman, would be to put in the record a statement that I have on the issue and let Noreen speak for herself and her family of what the situation is. And I have found her to have some very good ideas that we ought to consider, both in the way of legislation and in the way—and more important, maybe in the way of our oversight functions of various Federal agencies, as to how we may best protect this Nation's children.

Noreen, I want to say thank you for taking time out of your busy schedule to come here to share with us your ideas in order that the entire Congress will have a better understanding of what the problem is.

Thank you.

[The prepared statement of Senator Grassley follows:]

PREPARED STATEMENT OF HON. CHARLES E. GRASSLEY, A U.S. SENATOR FROM THE STATE OF IOWA

Mr. Chairman, once again I note your hard work in chairing hearing after hearing dealing with the welfare of our children. I do not know that Congress has ever witnessed a subcommittee going into depth on such a myriad of issues that vitally affect the health and well-being of this Nation's youngsters. For this, Mr. Chairman, I commend you.

The testimony being presented here today is done so with a great deal of courage. Each witness here today, has dealt day in and day out with unspeakable tragedy. I am most familiar with the circumstances that Mrs. Noreen Gosch will relate to us today. When I talk about courage, I'm talking about Noreen and John Gosch whose son, Johnny has been abducted for two years as of this September.

Noreen Gosch cannot and will not let efforts in locating her son fade away.

She asks us to do what none of us wants to do—put ourselves in her and John's place. If a son or daughter were taken from you or I what would we do? Noreen speaks out on this topic as often as she is asked. She has become very familiar, more than she has ever wanted, more than she ever dreamed two years ago, with the topic of child sexual abuse.

The Gosches sell candy bars and buttons to raise money that goes into paying the expenses of their private detectives. Tomorrow one of the largest garage sales that Des Moines has ever witnessed will be held to benefit the Find Johnny Gosch fund. Each item is a quarter. Each quarter helps sustain the private effort to find Johnny Gosch.

Mr. Chairman, I'm certain that there is not a heart in this room that does not go out to Noreen and John Gosch and their children. Their lives have been inextricably altered. But it takes more than heart. It takes a concerted effort on the part of our law enforcement. It takes a raised public consciousness as to the symptoms of this crime. That children are used as sexual objects is a perversion of their youth; that we in Congress fail to take note and react would be a dereliction of our duty. That is why we are here today, Mr. Chairman. Again I appreciate your efforts in sponsoring public hearings on this topic.

Senator **Specter**. Thank you very much, Senator Grassley. Of course we understand that you are being accompanied today, Ms. Gosch, by a private investigator.

Would you identify yourself for the record, please, sir?

Mr. **Bishop**. My name is Paul Bishop, Mr. Chairman.

Senator **Specter**. Would you repeat that?

Mr. **Bishop**. My name is Paul Bishop, Mr. Chairman.

Senator **Specter**. Paul Bishop?

Mr. **Bishop**. Yes.

Senator **Specter**. All right, Ms. Gosch, we welcome you here and we look forward to your testimony.

Would you proceed to tell us your story?

STATEMENT OF NOREEN N. GOSCH, DES MOINES, IA, ACCOMPANIED BY PAUL BISHOP, PRIVATE INVESTIGATOR

Ms. **Gosch**. Thank you very much.

On September 5, 1982, this scene, which was our neighborhood, in 6 minutes flat in a premeditated move by two men, our son was kidnaped and thrown into a car and disappeared from the area.

Senator **Specter**. What date was that again?

Ms. **Gosch**. September 5, 1982.

Due to his age, which was 12 at the time, they did try to classify him as a runaway even though we had the information and the witnesses, et cetera. We found it absolutely deplorable to be put in this category. We have since fought back, we have organized our own search and we are paying for it by buttons and candy bars.

How does this relate to the present discussion today? Premeditated. Moments it took to take our son.

Information that has surfaced during the investigation to indicate organized pedophilia operations in this country in which our son perhaps is a part of it.

Senator **Specter**. What is your reason for believing that there is an organized pedophilia operation which has led to the kidnaping of your son?

Ms. **Gosch**. Two examples, the NAMBLA publication, the North American Man-Boy Love Association, front page, June 1983.

> We have received reports that the FBI has visited NAMBLA members asking about Johnny Gosch. If accosted or visited by the FBI, I do not think you are dealing with reasonable people interested in determining the truth. You are dealing with the American equivalent of the Soviets KGB.

They are instructing their members not to submit to questioning regarding the disappearance, kidnaping of our son Johnny. It is continued on page 3, along with a great many other crude articles involving sex with men and boys.

Senator **Specter**. And in the course of that publication there is a suggestion that your son Johnny is in custody?

Ms. **Gosch**. They are vehemently opposing any type of questioning, so this did arouse our suspicion. We have, through Senator Grassley's office and Senator Jepsen's office, requested information from the FBI as to why they visited NAMBLA regarding our case.

What was the reason to suspect them in the first place? We have not got that resolved as yet.

Also in an interview with Tim O'Hara, Hustler magazine, who founded and represents the Rene Guyon Society, our major goal, and this is a quote by Mr. O'Hara is:

> Changing sex laws to legalize anal and vaginal penetration of children after 4 years of age if the child consents and a condom is used. In this way, we differ from the North American Man-Boy Association, they have no interest in promoting contraceptives.

Senator **Specter**. Tim O'Hara from Hustler magazine proposes that?

Ms. **Gosch**. He represents the Rene Guyon Society. He also feels that children want to be masturbated by adults and would like to see oral sex.

Senator **Specter**. Who is Tim O'Hara?

Ms. **Gosch**. Tim O'Hara is a representative and speaks for the Rene Guyon Society, also a pedophile organization of which there are a number in this country and they are organized in themselves. I am not trying to imply organized crime as some people depict it. They themselves, the pedophiles, they have their own organization, they have their publications, they are involved in publishing much of the material which makes it very easy to procure children for sexual purposes, prostitution, pornographic pictures, et cetera.

I think that we must begin to realize that we are living in a society in this country that has been programmed to believe: If it feels good, do it. If you want it, take it.

These attitudes are responsible for a great many of the atrocities which are involving our children. We have organizations trying to legalize "sex before 8, or it is too late."

I would like to ask: Whose children are they going to use? Yours, mine? And yet when we petitioned for help to search for our son, we were told by the highest law enforcement agency in the land: I am sorry, we have no crime.

Sir, we no longer have a son. He is gone. And I refuse to allow his kidnaping of 1982, September 5, to be categorized simply as a statistic in Iowa for that year. Something is going to come out of this, something already has.

We petitioned for a change in the operational options of the local police department. We now have a law in Iowa which makes it mandatory that they have to begin an investigation immediately. After all, we send a fire truck immediately when there is a fire, why not investigate missing children? Especially when it is under this type of condition and there is obvious foul play indicated.

We have also tried to create, and I would have to say successfully, organization, because prevention has to be the key. We do not have anything at this point that is stopping it, that is finding the children, that is pulling them out. We have an indication right here of a boy, a case history of a kidnaped child. This book is featured full of——

Senator **Specter**. Is that boy your son?

Ms. **Gosch**. This boy is not my son. This is another case.

Senator **Specter**. But there is a case history of the kidnaping?

Ms. **Gosch**. Of the kidnaped child appearing in kiddie porn and in films. There is an advertisement in the back for——

Senator **Specter**. How do you know the boy was kidnaped?

Ms. **Gosch**. This is the case history of Mr. Bishop.

Senator **Specter**. How old was the boy when he was kidnaped?

Ms. **Gosch**. He was 13 years old when he was kidnaped.

Senator **Specter**. And this is a picture of him I see in here performing sodomy?

Ms. **Gosch**. Would you like to see these and examine them at some point?

Senator **Specter**. Yes, I would.

Ms. Gosch. I think that there is a direct link between the suggestion that is placed by the pornography that has been displayed today and discussed by the previous members here.

Inasmuch as someone who is perhaps balanced in their thinking might not be affected, they could look at something like this and say that is disgusting, and walk away. But the person who is on the verge of mental imbalance through either their environment or perhaps being abused as a child themselves, will act upon it. It provides the stimulus and the suggestion to take this type of activity out on women and children.

We have always had violent crime in the United States. I do not think there has ever been a time we have been without it but today we have something new. We have more of an epidemic. And constantly we are seeing the reports of the dead, mutilated women and children across the country. You see the victim gets a life sentence, whether it be in death, whether it be in a life of shame to follow, whether it be a kidnaped person who is held as a sexual prisoner for years and years. The child gets the life sentence. Rarely are the molesters penalized. And in this country today, if you are caught molesting the egg of the American eagle, it is a very stiff fine and time in jail, depending on the judge. But to molest a child in many situations, in many States, is difficult to prove; and second, it is treated as a misdemeanor.

Senator Specter. Thank you very much, Ms. Gosch.

[The prepared statement of Ms. Gosch and additional material follows:]

PREPARED STATEMENT OF NOREEN N. GOSCH

On Sept. 5, 1982, our entire world fell apart when a man kidnapped our son Johnny, then aged 12. We lived in a nice quiet neighborhood in which one would least expect this type of tragedy to occur. In the days and weeks which followed our family was subjected to the most cruel form of the aftermath. Our police department did not want to investigate, they termed him a runaway. We did have five witness's and a description of the man with our son, description of the car, and description of the license plate. None of these things mattered to our police department. When we telephoned the FBI, we were quoted "WE HAVE NO CRIME"....... we replied "WE NO LONGER HAVE A SON". In desperation when we could receive no help from law enforcement, I telephoned the Justice Dept. and tried to explain our plight. I was told that our son was over ten years old at the time of the disappearance and it would be up to us to prove he was in danger. I couldn't believe this was happening..... this is America, our children are the future and yet I was being told that it was up to us to prove he was in danger.

If a proper investigation had been done- we perhaps would have our son by now. It became evident that we had to hire a private investigator to try and get some answers. We informed the police we were intending to hire an investigator, three hours after we informed the Police Chief of this - there was a knock on our door. There stood a police officer to inform us that they wanted us to take a polygraph test. They were upset because we were hiring an investigator and told us we had no right to do so. Thus began the harassment by the police department, not only to us but also the investigators. They lost sight of the fact that a child's life was at stake.

We are not the victims..... our son is the real victim and not for one minute will I ever forget this fact. In order to finance the private investigator, which is very costly and very few private citizens could withstand this burden for an indefinite period of time without assistance. We formed HELP FIND JOHNNY GOSCH, INC. in order to have a non-profit, tax exempt organization to search for our son. We have done garage sales, selling chocolate bars, and tin buttons for money to find our little boy. In this country we have a foundation for every disease, and foundations to help save BABY SEALS, WHALES AND BATTLESHIPS, all very worthwhile causes but nothing for the parents of these children. When you are refused the assistance of law enforcement and your case is one of many negligent decisions by these officials, where do you turn? We have offered an alternative to other parents who have similiar cases in which their children are kidnapped and no assistance. Do fund raisers, hire someone to look for your child. We now receive calls from other parents asking if we would be offended if they followed our example and tried some of the same routes. "OFFENDED.... HARDLY WE WOULD BE HONORED". It becomes apparent that the parents themselves must assume the burden and responsibility for the search of their children. We do have the Missing Children's Act of 1982 and the Missing Children's Assistance Act of 1983, these are good it is more than we had when our son was kidnapped, but it is not enough when these children are vanishing at the rate they are in this country.

We must begin to realize that we are living in a society which has been programmed to believe "IF IT FEELS GOOD .... DO IT" - "IF YOU WANT IT.... TAKE IT". These attitudes are responsible for a great many of the atrocities involving our children. We have organizations trying to legalize "SEX BEFORE EIGHT.... OR IT IS TOO LATE". I would like to ask --- WHO'S CHILDREN ARE THEY GOING TO USE"? My Child -- Your Child? For every child who has been kidnapped or just vanished and the crime is yet unsolved, their remains the criminal responsible and free to repeat the crime. We have organized a prevention program in our State of Iowa as well as being successful in getting a law passed to require Police Departments to investigate immediately when a child disappears. No longer can they wait 72 hours as they did in our case. Iowa is one of three states in the country to have this law passed. It is becomming necessary to inform parents, children, teachers of the dangers to the children. We have given 250 "ABDUCTION AWARENESS PROGRAMS" since our son was kidnapped, we have purchased films and have developed brochures with the information about this type of crime. It is very effective and the children respond by realizing a portion of the responsibility for their safety is also theirs. When I was a child the major threat to children was "POLIO" that has been changed it is no longer that disease, we now have something new which is growing at an alarming rate in this country. The danger is "PEDOPHILE'S" - a person who has an abnormal desire for children and in my copy of a 1973 Webster Dictionary - that word Pedophile is not even listed. We have to develop new measures to prevent because we do not as yet have an effective system to recover the children. It is still the responsibility of MOM AND DAD.

We feel that our son's kidnapping on Sept. 5, 1982 should not just be a statistic for 1982, but rather from this tragedy and all of the mistakes made in our case - lets learn from it and prevent this from occurring again. We have worked many hard and long hours trying to raise money to find our child, we have also devoted many hours to learning about this crime and the people who commit these atrocities. We have then made an effort to help create a safer environment for these children in our country.

I feel pleased to be allowed to testify in this Senate Investigation and hope in the future to be of any assistance which will lead to improving the quality of living for our children.

INTERVIEW

TIM O'HARA

"Our Slogan Is Sex By Eight Or Else It's Too Late."

A middle-aged Long Island, New York, ouple is arrested on the charge of operating a 250,000-a-year porn-photo ring featuring hild models—the oldest of whom was 14. he husband, an investor and electronics ex- ert, had photographed his own 3½-year-old aughter having sex with adults.

The head of a Los Angeles, California, reschool is convicted of supervising sexual ctivity among the small children in his harge. Evidence at his trial included batches f intimate photos he'd persuaded the young- ters to pose for.

Following a raid on a cottage that uncov- s three imprisoned boys in their early teens, lassachusetts police arrest two men in their 0s who are former officers of NAMBLA— e North American Man-Boy Love Associa- on—a homosexual group whose name ex- lains its purpose. "Clearly [NAMBLA's] ac- vity is organized. It is nation- l, and it involves a great many eople," says the district attor- y who headed the investiga- on. "Everybody everywhere is errified."

The sexual exploitation of hildren—a sickening phenom- non increasingly on the rise— as become one of the most con- oversial issues in America to- ay. Nuclear disarmament and conomics will provoke heat- l arguments; but start talking bout kids having sex with dults, and you may be in for a stfight.

Public attention finally be- n to focus on the unsavory subject in the late 1970s. At that time Brooke Shields and Jodie Foster had made headlines by playing preteen prostitutes in the films Pretty Baby and Taxi Driver. As often happens, Hollywood helped people wake up to what was happening in real life.

The National Center on Child Abuse estimates that 12% of the more than 1 million child-abuse cases reported each year involves such forms of sexual behavior as sodomy, oral copulation and fornication.

The North American Man-Boy Love Association is not the only organized group of adults who feel the issue of children and sex is a two-sided question. Another is the Childhood Sensuality Circle, based in San Diego, California, and run by self-described "cultural midwife" Valida Davila—a wrinkled old woman who distributes photographs of herself posing nude with naked young boys.

"We consider sexual relationships that span wide age differences to be neither good nor bad," says the organization's literature. "It depends on the enjoyment of those involved."

The most established sex-for-and-with-kids advocates, a group that's been most consistently in the thick of the child-sex debate, are members of the Rene Guyon Society. Formed 21 years ago, the organization takes its name from a French anthropologist who wrote such books as Sex Life and Sex Ethics and Sexual Freedom. Guyon believed that a general relaxation of sexual taboos would be beneficial to society. He died before the association was formed. Admirers named their group in memory of Guyon, having neither his sponsorship nor his approval.

The Guyon Society, which is based in Los Angeles, claims "5,000 supporters—psychiatrists, parents, physicians, clergy." Its slogan is "Sex by year eight, or else it's too late." Not surprisingly, the group is scorned by virtually every aspect of society.

The common bond that links all of these groups is not just the concept that sexual repression is a dangerous thing—a valid view that HUSTLER has long championed. Rather, they have twisted and perverted the idea to

by Ben Pesta

Ben Pesta (right) challenges child-sex advocate Tim O'Hara's astonishing views.

otography by Lode van Jowsky

mean that sexual exploitation of children by adults is acceptable behavior—a concept that HUSTLER totally opposes.

So does Lloyd Martin, a former Los Angeles police detective who established that city's sexually exploited-child unit. "These people claim that pedophilia—sexual attraction to children—is not sick but a way of life," he says. "But in my opinion, pedophilia is the worst crime of all—worse than homicide or armed robbery or burglary. A crime against a child has no equal."

Tim O'Hara, editor of the Rene Guyon Society's newsletter, vehemently disagrees. "Children have a greater sexual drive than adults do," he maintains. "People must be made aware of the discovery of Freud and others that children should have sex at a very early age to be mentally healthy."

The 59-year-old retired aerospace engineer was born in Chicago, where he received his early education. During World War II he served on a minesweeper in the Far East. After V-J Day he went to college in California and earned a bachelor's degree in engineering. O'Hara later became involved in the U.S. space program and worked at Vandenberg Air Force Base, the major West Coast testing center for missiles.

In the early 1960s he attended a meeting that changed his life. "I went to a lecture about adult sexual reform," O'Hara remembers. "I raised certain questions to the lady who was lecturing. Afterward a group of people came up and surrounded me and said, 'You're just the person we've been looking for because you know how to do things with the legislature and you know how to organize.'"

The people who approached him were members of the Guyon Society. O'Hara became active in the group and has remained so ever since. He has made hundreds of public appearances (including radio and TV guest shots) on his association's behalf. O'Hara has also testified before legislative bodies debating child-pornography and anti-child-sex laws. Some of his remarks have been printed in the Congressional Record.

Anxious to give his outspoken views the widest possible audience, the child-sexuality activist—who has never married and has no children—agreed to speak with journalist Ben Pesta at HUSTLER's Los Angeles headquarters. The editors believe that what follows is one of the most astonishing interviews we have ever printed.

HUSTLER: What are the Rene Guyon Society's major goals?

O'HARA: Changing the sex laws to legalize the anal and vaginal penetration of children after four years of age—*if* the child consents and a condom is used. In that way we're different from the North American Man-Boy Love Association. They have no interest in promoting the use of contraceptives. We also feel that if children want to be masturbated by adults, then let them be masturbated. And we'd like to see oral sex for children.

HUSTLER: You must be out of your mind. How can you possibly hope to change existing laws designed to protect children from that kind of behavior?

O'HARA: By influencing public opinion. For example, we have contacted members of the California state legislature, and some of them have told us, "Of course we'll go along with you once you get public opinion behind you."

"Our major goal is
to change the sex laws to
legalize the anal and vaginal
penetration of children
after age four..."

HUSTLER: That's hard to believe. Can you name just one legislator who has made a statement like that?

O'HARA: I'm not free to say. But don't underestimate our influence. There was a California legislator who would not allow us to testify at a hearing on child sex abuse. We worked hard to make sure that he was never reelected, and he was defeated in the next election.

HUSTLER: How many children have you had sex with?

O'HARA: None. I don't get personally involved with children.

HUSTLER: Have you or any other society members ever been convicted of a sex crime?

O'HARA: No, never. None of our members are lawbreakers, nor have any of them ever been arrested. That's a membership requirement. By keeping the Guyon Society an organization of law-abiding citizens, we get more prestige with the law changers in the state capital and Washington. Our credibility is demonstrated by the fact that we have lectured at the Los Angeles Police Academy in front of people who run the child-sex-abuse unit. We've also talked to the class for advanced peace officers at the University of Southern California, and almost one-third of the class requested our literature.

HUSTLER: Your literature indicates you now have 5,000 members.

O'HARA: It's hard to say how many people we have. We don't charge dues. Our supporters come and go. It's like church membership. When we got to 5,000 people—that was ten years ago—we stopped counting and put that figure on our letterhead. We communicate with one another through newsletters
and individual correspondence. I ge
many people sending me fan letters,
like being a movie star. We collect in
mation from all over. Scientists in
United States and around the w
send in their data, and people senc
clippings from newspapers and ma
zines. So we know more about the s
ject of children and sex than any
person does.

HUSTLER: Does the Guyon Soc
have any kind of identifying symbol

O'HARA: Yes, it's on our letterhead.
a picture of a girl putting on
stocking and a boy combing his l
in the mirror. We took our slog
"Sex by the year eight, or else
too late," from a *Life* magazine a
cle that appeared in 1962—the y
when we started. The article
written by reporters who w
through Sirhan Sirhan's ba
ground. They visited his old nei
borhood in Iran and found that
mother was narrow-minded and ri
and he wasn't allowed to play even w
boys when he was young. His mot
kept him from social contacts of
sort. He became a victim of body gu

HUSTLER: But Sirhan was a Jorda
an. And nobody wrote articles ab
him until he killed Robert F. Kenn
in 1968.

O'HARA: Still, this question of bo
guilt—and by that I mean sexual rep
sion—is critical. A child first gets bo
guilt in the crib, when the mot
spanks its hand for masturbating. T
Communists and all dictators have u
body guilt. Hitler used it to call thi
"obscene" and "unholy." Even the P
recently said that we must keep c
dren's bodies holy and unblemish
Psychiatrists have said for 80 years t
body guilt is the cause of our socie
many woes. Unless we wipe body g
out of the human psyche, we're going
have a continuing crime wave, d
abuse and other things that are char
teristic of unsound and unhappy min

HUSTLER: You've given a lot of l
tures and made many personal appe
ances during the past 20 years. W
sort of questions do audiences ask y

O'HARA: The main one is "W
makes you think that children have
knowledge to consent to sexual act
ty?" That question is framed in term
today's sex laws. What we want to se
a change in the laws so that children c
have sex at a very early age, and so th
parents can encourage them to have s
with the children next door or with o
or friends of the family. That way cl
dren will not go out and constantly lo
for sexual contact with strangers o
with irresponsible people such as drun
and vagrants, as is the case right now

HUSTLER: Let's play devil's advocate for a moment. Suppose it came to your attention that your four-year-old child had his first sexual experience with the next-door neighbor. How would you handle that?

O'HARA: First, I'd explain to the child that the times are changing, but that this sort of activity was not legal right now, and people would get sore at him if he continued it. As far as the neighbor was concerned, I'd assume he was just ignorant and unaware of what he was doing. I'd warn him, and if he didn't stop, I'd phone the police.

HUSTLER: You're undoubtedly aware of several sexual-initiation cases that have made the news recently, such as the report that the headmaster of a private preschool in Los Angeles was found to be pairing up adults with his innocent young students.

O'HARA: Yes, and the children were not complaining. They didn't feel harmed.

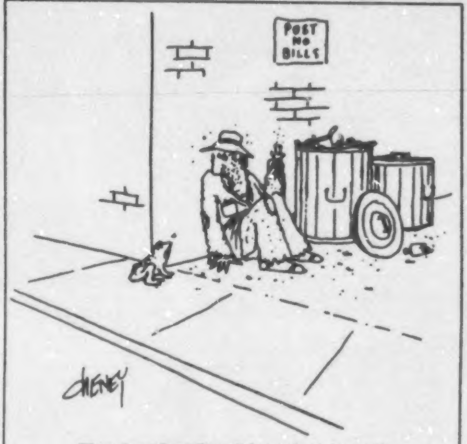
HUSTLER: Bullshit! Their parents were quoted as saying, "We'd been noticing puzzling changes in our children. They're having nightmares, and some of them have reverted to bed-wetting." The parents finally had to worm what happened out of some of the children. The kids had been afraid to talk because, in at least one case, a man had said, "If you tell anyone about this, we're going to come and get you."

O'HARA: But not all of the kids felt this way. Only four or five of them felt they were traumatized. That was more from not knowing what was right and wrong and not seeing it on television and in magazines as being acceptable. Have you heard of SLAM?

HUSTLER: No.

O'HARA: They're our chief opponents in California. SLAM originally stood for Stronger Legislation Against Molestation. Now they've changed it to Society's League Against Molesters. We call it Society's League Against Minority. The woman who runs it is a nice lady, but it's never occurred to her what the real outcome of her work will be. Just recently their lobbying helped pass legislation in California whereby people who are babysitters or temporary guardians of children and have sex with these children face more jail time than an ordinary citizen. SLAM feels they've accomplished something. What they don't realize is that by suppressing children sexually they've actually created more potential molesters in the next generation, when these children grow up and become molesters themselves and go out searching for children—possibly harming them.

Most so-called molestation cases don't conform to the accepted definition of molestation anyhow. They really volve the child going out and askin sex so many times that the adult "What the hell, I might as well." then somebody discovers it—somel who's jealous, a neighbor or a relati and this man's life is ruined. He h be on an index of all molesters and law violators for the rest of his life for life. In about 90% of the cases w people get arrested, the child plead sexual gratification, and the adults not stand the child's pleadings anyo Their resistance collapses. But the says the child should not be grati even when the desire to be sexually fied originated with the child. The should be changed.



"Nope, it wasn't a mating call. I've got the dry heaves!"

HUSTLER: Are you aware the iss children and sex is a very emotiona and that many people are pitted against what you're trying to do?

O'HARA: Oh, yes. I met one wo who said, "I'd rather have my dead than have her engage in se activity." Now, that's really being chotic on the matter. The impo thing to note is that those who vigorously oppose us are not onl ened 20th-century psychiatrists. Th psychologists—or people with no s tific background at all. Some of psychologists are real hopeless case ing to be experts on something the not care to study the background if they did, they would logically reac conclusions we have made: that c hood sexual suppression creates ders, rapes, suicides and most of the of what the police department worl day in and day out.

HUSTLER: Why do you place such in so-called 20th-century psychiatris

O'HARA: Because these indivi were trained by students of Fr original group—which discovered body guilt at a very young age c a person to become antisocial to strike out at the world, or eve become so suicidal and have su clogged-up mind that he really commit suicide.

HUSTLER: What does chastity ha do with encouraging children to be suicidal?

O'HARA: That was one of the t Freud found out. If a person gets s up enough, his subconscious can him against society. It can also turn against himself so that there's a tr inside the brain, and it's just logic him to end it all. There can be s battles inside the subconscious bet the ideas of sexuality and antisexu

Freud's group also found that s suppression—which goes back to Church doctrine—was inhuman. feeling is that the Church [redacted] official form of sinfulness when it originated body guilt way back in 400 A.D. A book written by Chabanez says that Saint Monica—Saint Augustine's mother—came up with the idea. She kept after her son for years and years and finally was able to convince him to add the concept of body guilt to Church thinking. As a result, she was sainted by the Church. The whole point of making people—especially children—feel guilty about their bodies and about sex is that they will be induced to come to the Church on most problems of life, especially those that are caused by body guilt.

HUSTLER: Saint Augustine's major works—*The City of God*, *Confessions* and *The Enchiridion on Faith, Hope and Love*—don't contain a single word about what you call body guilt.

O'HARA: The Church has never published this except in *Saint Augustine*, the book written by Chabanez. The theory is not passed down from priest to novice in the written form; it's passed verbally. Chabanez's book has the validation of the Church on its front cover, which means that the Church agreed to publish it. I'm sure this book is going to be suppressed now that I've mentioned it.

HUSTLER: Have you or other members of the Rene Guyon Society been persecuted because of your strange views?

O'HARA: It seems like the vast majority of people seem to be on our side.

HUSTLER: You've got to be kidding.

O'HARA: Well, in 20 years we've received only 12 negative letters. And five of them came all at one time, apparently from the congregation of a single preacher. So that's not many people who object to our views. Also, whenever we publish our newsletter we always include our address—256 South Robertson Boulevard, Beverly Hills, California 90211—so people can write in. But the negative letters never come.

HUSTLER: Just because someone hasn't chosen to write to the society doesn't necessarily mean he agrees with you. Surely you've seen the many magazine articles, newspaper editorials and TV shows describing people such as yourself as sick and depraved. Many of them lump you together with child pornographers. Are you personally familiar with kiddie porn?

O'HARA: I haven't seen any in the past two years, since they've been taken off the shelves and out of the bookstores.

HUSTLER: But you've seen it before?

O'HARA: Oh, yes, some of it. But it was also artistic. You know, educational, erotic.

HUSTLER: What's the Guyon Society's position on child pornography?

O'HARA: We see the rise of child porn as the dawn of a new age of enlightenment. Child porn quickens the day when laws will allow child sex if contraceptives are used. Crime, dope abuse, alcoholism and suicide will all be things of the past once children's minds become free of sexual anxiety. Puritan goals will be reached by anti-Puritan methods. Child porn should be legalized if it shows condoms being used during anal and vaginal penetration. In other words, the porn should be graphically illustrative of what we believe in. And I hope the day will come when HUSTLER will show cartoons on child sexuality.

HUSTLER: That will be a cold day in hell.

O'HARA: Even so, I can think of one such cartoon immediately. It would show a dancing school for little, tiny children, and the boys and girls would all be naked. A mother would bring in her child, who's dressed normally, to be enrolled in the school. The ballet teacher would say, "Yes, we were the first dance school not to have the kids wear clothes." In any event, the law isn't against child sexuality in a cartoon; it's only when there's a real, live human being involved. This carries the terrible message that sex is something terrible for children, that sex is terrible—period. We've had 15 centuries of this kind of thinking, and now is the time to call a halt to it. Prisons are overflowing with convicts whose conduct can be traced back to revolting against the sex repression of their childhoods.

HUSTLER: What was your childhood like?

O'HARA: I remember sexual desires in kindergarten. In first and second grade my mind used to wander, thinking about how I could satisfy those desires. It was hell, and I wouldn't want other children to go through this if I can possibly help it. Some children just cannot get sex off their minds long enough to absorb education. If we could have a sexual culture where child sex is commonplace, these children would start being scholars and would cost us less to put through public school. Teachers would not have to say things over and over again, trying to get through the drifting of their minds. America has everything except sexual freedom for children, and the time has come to blow the whistle on religious crazies who demand that the laws stay as they are and who—as a result—create great amounts of criminality.

HUSTLER: How does your family feel about the Guyon Society?

O'HARA: They all died before I became involved.

HUSTLER: Can you tell us some details

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Interview: Tim O'Hara

(continued from page 40)

about your family background?

O'HARA: We were very religious, pillars of the Episcopal church at a large Chicago cathedral. My mother taught me as a child to be very strict against sexuality. But my mother was also a rational woman; so she told me, "Daddy and I may be wrong about this; so keep an open mind when you grow up." It's a shame that I had to be brought up as a pre-Victorian. In a way, I've lived a wasted life sexually. The girls I met who wanted to marry me all felt they had a big problem about early-childhood sex suppression. Let's hope my generation is the last to suffer like this. Perhaps by helping people who want to change, my life won't be a total waste.

HUSTLER: Would you have conducted your sex life any differently had there been no age-of-consent laws?

O'HARA: Positively. And I would have had a happy life. I don't feel I have had a happy life now.

HUSTLER: Does the Guyon Society think that all age-of-consent laws should simply be abolished?

O'HARA: Yes. We should start from zero. Right now, since everything is taboo, there's no way of finding out if there are ages when sex is dangerous for kids. One lady who did research on child-adult sexuality had to use people who were referred to her through the district attorney's office in the San Francisco Bay area. She found these children not to be neurotic when she first studied them. Fifteen years later, when they were adults, a second study showed no disadvantage of having sexual activity. In fact—according to psychiatrist Karl Menninger—they seemed to be "distinguished and unusually charming and attractive in their outward personalities."

HUSTLER: The study you're referring to—"The Reaction of Children to Sexual Relations with Adults"—was done way back in 1937. It was conducted in New York, not San Francisco. And you must know, of course, that virtually every other study done since then has concluded that sex with adults is harmful to children.

O'HARA: I have not heard of any other studies. If you know of any, I'd certainly like to read them.

HUSTLER: How about "Child Sex Initiation Rings," by Burgess, Groth and McCausland? It was published in 1981 in the *American Journal of Orthopsychiatry*.

O'HARA: I know those authors well. They are psychologists who are just rewriting what they heard from their parents. They haven't done any research on the matter.

HUSTLER: But they interviewed 35 children who'd been victims of adult-led sex-initiation rings. And they learned that these child-victims showed physical symptoms, such as stomachaches, headaches and urinary-tract infections; psychological symptoms, including bad dreams, difficulty sleeping and nervousness; social symptoms, such as fighting, stealing, not wanting to go to school and poor grades; and behavioral symptoms—chiefly withdrawal. They noted that the adults who organized such rings were often people in positions of authority over the children, such as a school-bus driver, a Boy Scout leader and an uncle. These researchers concluded, "As the child matures, he (or she) ultimately realizes that he has been betrayed by someone who was trusted."

O'HARA: Yes, but *they* do not realize that children have a sexual drive. They don't have any scientific background for what they're saying. There hasn't been anything in a hundred years to prove that Freud and his group of psychiatrists were wrong.

HUSTLER: In the past several years, a number of books have been published by writers who had long, incestuous relationships with their fathers. Among them are *Kiss Daddy Goodnight*, by Louise Armstrong, and *Father's Days: A True Story of Incest* by Katherine Brady. These women now feel themselves to have been betrayed and victimized by their fathers' coercing them into sex.

O'HARA: Are these really written by that type of person, or are they written by ghostwriters?

HUSTLER: The authors are real incest victims.

O'HARA: Well, people can be disturbed by one thing and misinterpret it as being something else. They can become very disturbed by sexual activity with an adult when they were children. But what they're really disturbed about is not having sexual activity *all through* their childhood.

HUSTLER: You're missing the point again. These authors weren't a bit disturbed about not having had enough sex as young girls. They were disturbed about having had too much of it, that they had it with their fathers and that incest profoundly disrupted their subsequent lives. Does the Guyon Society have an official position on incest?

O'HARA: Yes. We feel that incest without a condom should be unlawful. Incest with condoms should become lawful. But we also feel that incest itself may disappear if children can have sex with the children next door and no longer have to bother their parents for sexual release. Then these children will grow

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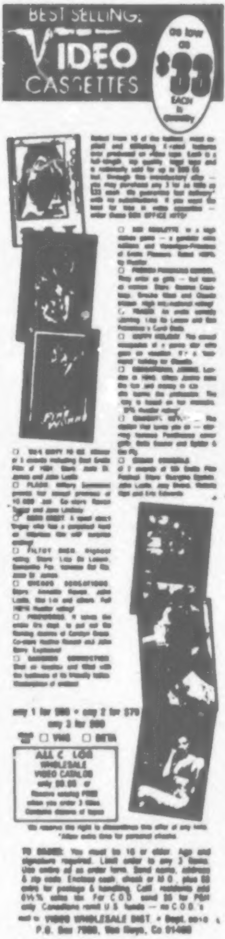

chairs, firing squads and the gallows will land in the scrap heap with the screw and the rack—and we will all be the better for it."

* * *

A chilling example of the death penalty's ugliness occurred last April 22 in Alabama, when it took not one but *three* jolts of high-voltage electricity to end the life of 33-year-old John Louis Evans III.

Condemned to die for the 1977 robbery-murder of a Mobile pawnbroker, Evans had admitted the killing and initially demanded the death penalty. But when he was granted a stay of execution in 1979, he called it an "act of God" and began a four-year effort to overturn the sentence.

In a gruesome scene televised by closed circuit to some 30 reporters, Evans was ushered into the Death Chamber at Holman Prison less than two hours after the U.S. Supreme Court rejected his last appeal. Dressed in a white cotton uniform, he seemed calm as he was strapped tightly into the wooden electric chair that prisoners have nicknamed "Yellow Mama."

"I have no malice toward anyone," Evans said in his final statement. "I have no hatred toward anyone."

A metal cap filled with electrodes was placed over his shaved head, and a black mask was pulled down over his face. The first 1,900-volt surge of electricity hit the doomed man at 8:30 p.m., lasting for 30 seconds. His body tensed, and the strap securing his left leg snapped free. Evans was still alive.

After he was hit with a second 30-second charge moments later, flames leaped out from beneath the mask, and a puff of smoke rose from the area of his left temple. Still more smoke curled up from his left calf. But incredibly enough, Evans was *still* alive.

At 8:33 his lawyer, Russell Canan, pleaded with the state prison commissioner to request clemency from Alabama Governor George Wallace, on the grounds that the electrocution had turned into "cruel and unusual punishment." The appeal was conveyed by telephone, but Wallace failed to intervene. A third 30-second burst of electricity was administered at 8:40. Four minutes later, Evans was pronounced dead.

"The state of Alabama burned my client alive," Canan said afterward. He described the execution as a "barbaric ritual," adding bitterly that Evans had been "tortured in the name of vengeance and the disguise of justice."

Mrs. Betty Evans Dickson, mother of the deceased, had the final word. "I was proud of him," she said. "He left this life as a true Christian." ●

INTERVIEW: TIM O'HARA

(continued from page 48)

up and not be interested in having sex with people younger than themselves. We're not advocating child-adult or child-parent sex. What we're advocating is changing the laws so we start over again from ground zero, so we can get some knowledge that will enable children to stay in their own peer group to have sex—and not go to adults. We would be very happy to have incest remain illegal, if we could get other laws changed so that children could have sex with anybody who is not a member of the family. What I really feel terrible about is parents who are faced with so many taboos that they can't encourage their children to masturbate or to have sex with somebody their own age.

HUSTLER: Let's take a moment to review the chief principles that guide the René Guyon Society, and especially yourself: Vaginal penetration of children at age four is okay; so is anal penetration. Kids orally copulating adults is okay. There's nothing wrong with adults masturbating kids of either sex. Be honest, Mr. O'Hara. Are you a pervert?

O'HARA: No, I've never heard anyone suggesting that.

HUSTLER: Then we'd like to be the first to make the suggestion. ●

SEX PLAY

(continued from page 32)

At this point, your entire body is flooded with the warmth of desire . . . and, of course, love. "All of this together causes the excitement of human sexual response," says Goldstein. "What's interesting is that it involves love too; love *has* to have some of the same [physiological] factors, like the limbic system involvement, pituitary stimulation and the rest."

What Goldstein and other scientists are saying is this: Although *love* is a philosophical, psychological, emotional *feeling* that can't be measured, it *does* have a physiological cause—and that cause is rooted in the same system that gives rise to lust. And even though our feeling of love is very different from the simple biological urge of lust, it cannot exist without the same system.

That's probably why, when you finally get up to leave with this blood goddess, you feel like you're drugged. Dopamine is clogging up your brain circuits, endorphins are swirling through your head, antidepressants are dripping into your bloodstream, your heart's racing and testosterone's raging in you like a wild stallion. And here you thought love was Cupid arrows and violins . . . ●

june 1983 nambla BULLETIN vol. 4 n. 5

$2

VOICE OF THE NORTH AMERICAN MAN/BOY LOVE ASSOCIATION

DEATH OF A BOY-LOVER

The Bulletin is reprinting below major portions of an article about a California Highway Patrol Officer who recently committed suicide rather than face charges of fondling young boys. The story itself is poignant, even tragic. Similar stories could be told about men and boys who have committed, or attempted to commit, suicide in the face of the vengeful hatred of the state for cross-generational love.

What is unusual about this story is its sensitive, even sympathetic, treatment of the subject. Far more common — alas! — are the hysterical, bigoted, and scapegoat-mongering articles written on the basis of false and self-serving press releases from the FBI and police agencies, designed to portray man/boy love as evil incarnate. The apparently loving, caring friendships of Paul Garrett are in fact typical and confirm what NAMBLA has been saying about them in its four-and-a-half years of existence. The real criminals here are the Sgt. Lloyd Martins and the Judianne Densen-Gerbers of this world who thrive on such tragedies, and, indeed, make them possible. NAMBLA is trying to raise public consciousness about such relationships, and hopes that its efforts will continue to find an echo in thoughtful media coverage as in this article.

• • •

It is too late for Paul Garrett. He was a victim of antisexual hysteria and arrogance, as are the thousands of boy-lovers in U.S. jails for their loving relationships with minor males, and the many boys who have been victimized and tortured by law enforcement agencies. Unfortunately, there will be more victims, unless America wakes up and lets love be able to triumph over hate and ignorance. ●

R.

Paul Garrett

IN MEMORIAM

Los Angeles Times

By ANN JAPENGA

SACRAMENTO—For 10 years, California Highway Patrol Officer Paul Garrett was considered by his friends and colleagues to be "a good cop and a nice guy."

Then, on April 14, Garrett was arrested on charges of molesting three 6- and 7-year-old boys at the mobile home park where he lived.

The evening of his release from Sacramento County Jail on his own recognizance, Garrett, 33, drove to his mother's house to tell her what had happened. His mother, a beauty parlor operator, was out playing bingo. Garrett emptied his pockets and left his arrest papers, checkbook, bankbook and wallet on the kitchen counter.

Left a Note

Then he began to write: "Mom, I guess I'd better leave you a note. . . ."

That was as far as he got. He started a second note: "I love you. I'm sorry. . . ."

Before leaving the house, Garrett removed a picture from the living room wall. It was his academy graduation portrait, taken 10 years before.

Garrett got back in his car and drove south along the river road. Garrett had always loved the Sacramento River and had lived until recently on a 40-foot cruiser in the Prospect Marina. At a secluded spot near the town of Courtland, Garrett parked his car so that it was concealed behind a concrete bunker.

He sat down on the bank among some brambles and high weeds and watched the river. He drank quickly from a half-gallon bottle of gin and swallowed several packages of over-the-counter sleeping pills.

His sister speculates that one of the last things Garrett did before he died of an overdose sometime around midnight was to hurl his academy portrait into the slow-moving water.

A number of fears must have assaulted Garrett while he sat on the river bank. One was the knowledge that both child molesters and cops are targets for violence by other inmates in prisons and jails. Another was the fear that he had [illegible] the CHP. And there also was the likelihood that he would lose the respect of his father, a man whom Garrett had spent his life trying to please.

But perhaps the most unbearable pressure Garrett faced was the nature of the alleged crime.

"Society feels that the child molester is the lowest person there is," said Lloyd Martin, retired founder of the LAPD Sexually Exploited Child Unit.

"In the public mind, you can't do anything worse," said CHP Lt. John O'Donnell, who was Garrett's commanding officer.

About the same time his body was

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We have received reports that the FBI has visited members of NAMBLA, asking about John Gooch (see elsewhere in this issue).

If accosted or visited by the FBI, do not think you are dealing with reasonable people interested in determining the truth. You are dealing with the American equivalent (in methods and ethics) of the Soviet KGB. Since the emphasis is on the justification of thus-far squandered taxpayers' money, agents' salaries, etc., rather than on the finding of the truth, beware!

Be firm! Protect your right to privacy by cutting such encounters short. DO NOT SPEAK, EXCEPT FOR A REFUSAL TO SPEAK. REMEMBER, REFUSING TO TALK TO THE FBI IS NOT A CRIME. IT'S YOUR CONSTITUTIONAL RIGHT.

Read guidelines and detailed instructions in another part of this issue.

NAMBLA ACCORDING TO CHARLES JUBRIST
by David Thorstad ___ p.6

EDITORIAL

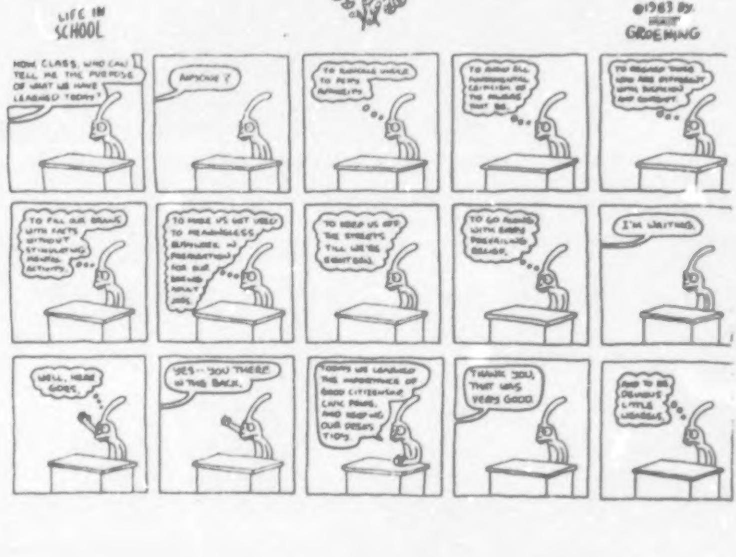
Last December, the FBI and local law enforcement agencies cooked up a ridiculous story suggesting that NAMBLA had been involved in the disappearance of Etan Patz, a 6-year-old New York City boy who vanished from a SoHo street four years ago. This phony allegation was spread across the front pages of newspapers in several cities. The FBI used it as an excuse to to raid several apartments of New York City NAMBLA members and to harrass a dozen men by seeking to interview them in their homes. A retired New York cab driver, Chester Jones, also surfaced, claiming he might have given a ride to a man with the missing boy.

NAMBLA demolished this smear job at widely reported news conferences in New York and Boston on December 28, 1982. Meanwhile, the police claimed that their artists were busy drawing a sketch of the man Jones claimed to have picked up with Patz. It is now five months since NAMBLA's news conferences, and the authorities have still to come up with such a sketch. Indeed, not a word has been heard about Jones' allegations since the news conferences. It is beginning to look like Jones himself may have been part of the FBI's conspiracy against NAMBLA. Surely it does not take five months for police artists to come up with a sketch. Yet none of the media have investigated or asked the obvious questions about this bizarre incident.

The authorities ar still up to their dirty work. In late March, the New York Daily News revealed that the FBI, police forces in New York City, Nassau County, Suffolk County, the U.S. Customs Service, and the U.S. postal inspectors had "quietly formed a special task force to investigate the sexual exploitation of children." Among t groups "that will be studied" is NAMBLA. This means th despite no evidence linking NAMBLA to any illegal acti.vi including the production and dissemination of "kiddie por or the transportation of minors across state lines f "immoral purposes," or indeed any connection to exploitati operations that may involve young people, and despi NAMBLA'S refutation of the phony baloney attempting to li it to the disappearance of Etan Patz, the FBI and the poli are hell-bent on continuing their efforts to haras vilify, and destroy NAMBLA. They know that NAMBLA is legal organization that has never violated any law, but t has not deterred them from continuing their harassment.

In May, for example, a NAMBLA member in Minneapolis w contacted by the FBI, who questioned him about t disappearance of a boy from Omaha last September, ev though the man reports he has never been to Omaha and kno nothing at all about the case. Such visits are designed instill fear in NAMBLA members, to dry up its sourc of contributions, and to drive members away.

In light of the continuing efforts of the police to bla boy-lovers for the disappearance of children, to portr boy-lovers as bad guys and the police as *good guys*, it i essential that NAMBLA members be aware of their rights i they are contacted by the FBI or police. In the absence o a legal search warrant, you have no obligation to talk. I fact, you should never talk to the FBI. If they show up your door, it is your right to refuse to say anything. AN THING YOU SAY WILL BE USED AGAINST YOU OR SOMEONE ELSE! Th are on fishing expeditions designed to frighten our membe and to obtain information that can be used in their crusa against man/boy love.


LIFE IN SCHOOL
©1983 BY
GROENING
NOW, CLASS, WHO CAN TELL ME THE PURPOSE OF WHAT WE HAVE LEARNED TODAY?
ANYONE?
TO REGARD THOSE WHO ARE DIFFERENT WITH SUSPICION AND CONTEMPT.
TO FILL OUR BRAINS WITH FACTS WITHOUT STIMULATING MENTAL ACTIVITY.
TO MAKE US GET USED TO MEANINGLESS BUSYWORK IN PREPARATION FOR OUR BORING ADULT JOBS.
TO KEEP US OFF THE STREETS TILL WE'RE EIGHTEEN.
TO GO ALONG WITH EVERY PREVAILING DOGMA.
I'M WAITING.
WELL, HERE GOES.
YES-- YOU THERE IN THE BACK.
TODAY WE LEARNED THE IMPORTANCE OF GOOD CITIZENSHIP, CIVIC PRIDE, AND KEEPING OUR DESKS TIDY.
THANK YOU, THAT WAS VERY GOOD.
AND TO BE DEVIOUS LITTLE WEASELS.

SPREAD THE WORD ABOUT NAMBLA

In our April issue readers were urged to seek out appropriate media and place ads for NAMBLA. This appeal has already brought about concrete actions on the part of several members. Nevertheless, many more volunteers are needed in this project. Too many boy-lovers and boys suffer from self-repression. As a support network, NAMBLA cannot do much good if these men and boys are not reached. Without wide, continued publicity, our effectiveness will be limited. Everyone is urged to join in this project. Please don't deviate from the following text:

NORTH AMERICAN MAN/BOY LOVE ASSOCIATION
For information, send $1 to:
NAMBLA, PO Box 174, New York, NY 10018

If you cannot afford to fund an ad, but feel you have discovered an important advertising medium, let us know. Also, to get back to us when you have placed your ad. Finally, research indicates that constant, repeated ads in a given medium give best results. If possible, choose the longest possible running periods for your ad.

JOHN GOSCH - PHONE HOME!

NAMBLA has received an inquiry regarding the whereabouts of a missing Iowa youth, John Gosch, whose disappearance has generated considerable media attention. John is a 13-year-old youth of West Des Moines, who disappeared on September 5, 1982, while delivering newspapers.

NAMBLA firmly believes that youths should be allowed to determine whom they shall live with. At the same time, the request for our assistance has come in a unique form: a polite phone conversation between Brian McNaught (Boston mayor Kevin White's liaison to the gay and lesbian community) and NAMBLA spokesperson Brian Quinby.

The idea that NAMBLA would be well informed on runaways is both wrong and being used by the FBI against us. However, if anyone does know any runaways, suggest to him that he call the National Runaway Youth Hot Line (1-800-231-6946) to relieve anxiety at home and resolve the question about the conditions under which leaving occurred. The Hot Line is confidential and young people who use it can do so without being pressured into divulging any more information than they choose to. ●

Feedback

Unless permission is specifically given to do otherwise, names of contributors to this column will not be printed. Letters will be identified by city and state only. [illegible] expressed in the Feedback column do not necessarily reflect NAMBLA's positions. Letters are presented in the spirit of a free and unrestricted forum of ideas.

●

Dear Folks,

Please put me on your subscription list for the Newsletter.

Also, you might see that jag-off from Pennsylvania who left the Childhood Sensuality Circle because they condemned "corporal punishment" know that his letter led me to find out their address and send off for their newsletter.

- In struggle,
[illegible]

●

Dear Bulletin persons:

As a suggestion, may I offer Mat M. Black a name change for his column BOYS IN THE MEDIA to CHICKEN TRACKS in memory of the late boy love publication TIMES. The CHICKEN TRACKS column, like much of the entire publication, was outright exploitation of the young. Its message was simple. Boys are objects. But, even a little further, the "correct" types of boys were objects.

Then, as now, in the minds of chicken hawks, boys are sex objects. Objects for jerkoff fantasies. Photos, teenybopper magazines and the like filling closet shelves under old piles of NATIONAL GEOGRAPHICS, only taken out to strengthen the boy-made god fantasy image.

What are the "correct" type of boys? The cute ones, of course. 99.99% of the time they have to be white, and by all means, CUTE! They appear in ads, on television, and in movies playing seductive little roles. Even more, the "correct" types are those who hint of their sexuality — and the ultimate, those who show a glimpse of their flesh.

What chills go up my spine when I hear hawks who have seen movies such as PIXOTE, YOU ARE NOT ALONE, OVER THE EDGE, ABUSE, etc., and their only comments are those referring to which boys were beautiful or what skin scene they liked best. I'm not saying that I don't like skin. I love skin. I love boys who "strut their stuff". I love boys who are seductive and sexy, but more so I like boys as boys. The pedestal type image that spyglass wielding, [illegible] hawks maintain of youths is exploitative. It refuses to treat or deal with youths as they should be treated: equally, not as jerkoff fantasy boy gods.

Mr. Black's comments in his March 1983 column, and I quote, "I apologize that there was no coverage of underwear scenes in the movies. The Collective felt that such treatment of persons - boys or otherwise - is too demeaning and inconsistent with the philosophy of the organization." No apology here was needed. It seemed good the Collective finally said ENOUGH!

Also in that same column I became outraged when I read the closing paragraphs where Mr. Black spoke of a TV program involving young Gary Coleman and his experiences with a "child molester". The ending line of this section read, and I quote, "... but friends have commented what kind of [illegible] could he have to go after Gary Coleman". I am not totally sure [illegible] to take this comment. Is it, Mr. Black, because Gary is black, a midget, or perhaps not as cute as some of the other television boy idols?

Perhaps Mr. Black has begun to feel the mood of intolerance towards such "journalism", since he has of late begun to insert little endorsement pieces such as "A liberal friend agrees" and "... as an educated friend said". Enough garbage! Just how "liberal" and "educated" are they to maintain such an exploitative view of young people!

Perhaps these types of columns offer a good example of the effects of our society's repression of boy lovers. There is, however, a solution. Stop wasting time scanning the TV for boy idols. Stop risking eye injury from key-hole peeking and stop wasting hundreds of dollars on supertelephoto lenses. Go out and meet these young people that are admired from afar. Meet them, talk with them, and enjoy their company. It is amazing just how pleasant it is to meet and have a chance to enjoy the company of youths, especially for one who has always fantasized what it would be like to talk with one.

Mr. Black can do better than this. I have seen some really good writing from his machine. A lot of good things appear in some of his columns, but the chicken-hawk materials have to go. Why not go over the fantasy boy idol stuff and get to the real writing that you do so well, Mr. Black? That stuff is good!

-- David Grant

Editor's note: It is not in the spirit of the Collective to censor or diminish in any way the contribution of any of its members. Mr. Black's column on underwear scenes was evaluated at length. After the discussion was tabled, Mr. Black withdrew the column on his own accord.

PACT Meeting:

A NIGHT ON BALD MOUNTAIN

by Aris

PACT (Protect America's Children Today), an Odyssey House and Judianne Densen-Gerber affiliated group, held a meeting in Hampton, NH on April 21. Among the guest speakers was New Hampshire's governor John Sununu who offered his support for PACT's goals. One wonders if he realizes what he's supporting.

One of the lead speakers was a Manchester, NH police officer. He had been in on the raid of an apartment where "two rooms full of man-boy pornography" were found. He went on to say that "after looking through the pornography for two weeks, I discovered the possible charge was only a misdemeanor and I had been wasting my time." Might not one expect him to have looked up the charge first thing?

The officer went on to relate a story about a NAMBLA spokesperson's being invited to a Manchester radio talk show. "A huge public outcry", he said, "stopped the show from taking place." In fact, no NAMBLA spokesperson was ever invited to a Manchester radio show. This sort of setting up straw men and knocking them down was typical of the entire evening.

"NAM-BU-LA" was Judianne's chief whipping boy. She revealed that "NAMBULA" planned to hold a meeting in Portsmouth, NH the following week at the Unitarian Church. In fact a NAMBLA member had been asked to speak to a regular session of the Seacoast Gay Men which was meeting at the local gay bar. No matter. Reality soon vanished in a rushing wave of hysteria which reached out for any available target.

The Unitarian Church was denounced for allowing "NAMBULA" to use its facilities. "Unitarians are tolerant," said Judianne, "but there must be a limit to the tolerance. Here they must draw the line." Several fundamentalist Christians arose at this point to denounce Unitarians as anti-God and anti- Bible. Julianne took this in stride, claiming to be Unitarian herself, and went on to call for a public outcry such as had been visited upon institutions in Philadelphia which permitted "NAMBULA" to use their space. (PACT's April newsletter read: "Congratulations to all of you for your attendance at the last meeting! Concerned citizens spoke up and made their views known to the community. The media responded and the NAMBLA meeting was stopped by the outcry of the local citizens. PACT sends an enormous thank you to the Unitarian Church of Portsmouth for their swift action after the discovery of NAMBLA's attempt to use their facility. We salute you for your support." In fact SGM usually meets at the church but there had been a double scheduling that night. The Unitarians, to their credit, stood by SGM in spite of the PACT media blitz.)

A lawyer from Essex County, Mass. suggested that "all the boys NAMBLA brought with them to abuse sexually with the Seacoast Gay Men should be arrested and medical examinations performed to determine if they'd been sexually penetrated." He was amazed when another person out in the audience informed him this couldn't be done without a boy's consent. He was apparently in favor of nonconsensual anal penetration for political purposes. The same audience member who responded to the lawyer told of a fifteen year old girl who refused to cooperate with authorities in the arrest of her 26-year-old male lover. "The police had no choice but to let this rapist continue to walk the streets," she said. She never mentioned, and no one asked, whether the two loved each other. Behind this discussion lay the assumption that the law should be changed so that a boy could be anally inspected against his will and a girl could be forced to testify against her lover.

Next in line for attack were gay people. Gay was a "negative lifestyle". Gays were "confusing" the man-boy love issue as a "sexual preference issue -- which it is not," said Judianne. She called on gays to denounce "NAMBULA" and stated that the heterosexual married family people of America would never give gays their rights until they did so, a remark which brought the loudest applause of the evening.

"A gay leader promised me a denunciation of 'NAMBULA' within a week. That was a year ago." The homophobia was palpable. Does Judianne assume that any one gay leader can speak for all gay people? Perhaps she is forgetting that many gay adults remember what it was like to be 14 years old and gay.

Judianne was in high gear. "We are pushing for legislation, and have the votes to pass a law against 'NAMBULA' holding meetings within New York State," she said. "While no sexual activity has apparently taken place at their meetings, the real question is what do they do when the meeting is over? This legislation is patterned on the organized crime bill which has already been ruled constitutional and would make 'NAMBULA' meetings a felony conspiracy since it is assumed meetings are held to plan illegal activity."

Judianne made a number of fantastic statements as she wound down. Following are some of the most notable:

-"A woman named Iris Murdoch runs the 'Child Sexuality Circle' in California." (The Childhood Sensuality Circle of San Diego is headed by Valida Davila. Iris Murdoch is an English author.)

-"Twenty-four schoolteachers were arrested in the 'Revere Sex Ring' of 1977." (None of the Revere defendants was a schoolteacher.) -"'NAMBULA' has a membership of 22,500 and plans to found a chapter in Manchester, NH." (All of this is certainly news to NAMBLA.) -"An entire church congregation in Michigan was engaging in sexual activity with the children in the church. PACT got it stopped. This shows that 'NAMBULA' is very much like Jim Jones and Jonestown where children were sexually abused regularly."

-"The age of consent is thirteen in Maine, eleven in New York and Arkansas, and zero in Washington, DC." (The age of consent in Maine is 14/15, and in New York is 18. The numbers are probably similar in the other locales.)

-"The US is the largest producer of child pornography in the world." (Child pornography is almost non-existent in the US in any commercial sense.)

-"I am being persecuted by certain powerful enemies in New York." (She may be facing charges stemming from her violation of a consent decree with the New York Attorney General by which she was to return part of nearly $100,000 misappropriated from Odyssey House.)

During the slide show the sex education book "Show Me" was flashed on the screen and derided as pornographic. With a note of victory in her voice Judianne announced that the book had been removed from the market. PACT is staunchly pro-ignorance.

About 200 people were in attendance at Hampton, NH. Judianne claimed an attendance of 700 in Detroit, while only "eight to twelve" attended in New York City, a telling admission on her part. Unlike New Hampshire and Michigan, in New York folks know who Judianne Densen-Gerber is.

Reprinted from [illegible] February 25, 1981 [redacted]

Know your rights: You don't have to talk

When the FBI comes knocking

By CHARLES T. [illegible]

Given the current trends toward further unleashing of the FBI, it is important that political activists and sympathizers understand their legal rights when confronted by the agency. It is also essential to be aware of the FBI's methods.

There are several key rules to follow in combatting the agency's harassment: never talk to the FBI; never believe that you can outwit trained agents; be aware of standard FBI ploys to get information; and assume that you are being "listened to."

Don't think that just because you are not involved in illegal activity, the FBI will not visit you. Also don't assume that present day agents are still clean-cut, humorless young men in suits, crewcuts and carefully polished shoes. Some of them now wear casual clothes, some may have beards and long hair. Some are Black or from other minorities, and some are women.

The best response if the FBI comes knocking is normally to close and lock the door in their faces. This is difficult for most people. The next best thing is to say, "My lawyer told me not to talk to the FBI." This accomplishes several things. It tells them you have consulted a lawyer (maybe you really have). It passes the responsibility for your silence to the lawyer, who is not present. It lessens your feelings of guilt about not cooperating—after all, the lawyer told you to do this. It may raise Miranda issues, at least in the minds of the agents.

The U.S. Supreme Court, in Miranda v. Arizona, held that unless a suspect is first advised of certain constitutional rights, including the right to have a lawyer present, the suspect's statements cannot be used against him or her in any criminal case. This may cause the agents to back off.

It is fairly common for an FBI agent to call on the phone or leave a message asking you to meet the agent or to come to FBI headquarters. In such cases, it is important that you seek legal advice. A lawyer can intercede and perhaps find out the purpose of the request. The lawyer can also accompany you to the interview, if you decide to appear. If the lawyer tells you, "If you haven't done anything wrong, why not talk to the FBI," find another lawyer.

NEVER TALK TO THE FBI

Above all, follow one simple rule: never talk to the FBI. There is no law or regulation that requires you to do so, yet the prestige and power of the organization is such that many people have the mistaken idea that there is such an obligation.

Another key rule: never believe you can outwit the agents. They are highly skilled, highly trained and utterly without a sense of humor. They may only pretend to want information about you; their real purpose may be to extract information about friends, neighbors or family members.

For example, an agent says to you, "We would like to talk to your brother" and you reply, "My brother doesn't live here—I haven't seen him for six months," several things have happened. First, you have confirmed that you have a brother. Second, you have made two statements about your brother: that he does not live here, and that you haven't seen him for six months. If these statements are true, you have divulged two items of information which, fitted together with other information, may be very helpful.

If the statements are not true, then you have given the agents reason to believe you have something to hide, and you may have committed the crime of giving false information to a federal official engaged in the performance of his official duties. Third, you have begun a conversation with them, which makes it easier for them to keep you talking.

A common play of FBI agents is to say, "If you have nothing to hide, then you certainly should not be afraid to talk to us," or more bluntly, "What are you afraid of?" You may think that you would not be susceptible to such an obvious tactic. But when you are confronted by two hostile agents, in the early morning hours, and you are all alone, your reaction may be quite different unless you have prepared yourself in advance to resist.

Sometimes the agents will seem to be friendly. This is simply another device of interrogation: an FBI agent is about as friendly as a cobra. But the device will be apt to work if you are not prepared for it. It is very difficult to be abrupt or discourteous to someone who seems to be friendly. But remember, the agents' approach is calculated and designed to injure you or some third party.

Agents will sometimes be threatening, or pretend to have information, or a combination of both. The approach may be something like this: "We have received information that you were involved with John Doe in connection with that recent bombing." Answer: "I wasn't even in San Diego then."

In this example, here is what you have told them: (1) that a bombing really did take place. They may not have known this—it could have been a sewer gas explosion. (2) That John Doe was involved, or at least you believe he was. (3) That you probably know John Doe. (4) That you know enough about the bombing to know that it happened in San Diego—the agents didn't say so, you did. (5) That you know when it occurred. (6) That you were not in San Diego at the time.

If this last is true, this in itself may be useful information; if it is false, then two things follow: first, an inference can be drawn that you are trying to hide some involvement and, second, you have made a false and possibly criminal statement to a federal officer. So with one simple response you have given a great deal of information to the FBI.

Another device used by FBI agents is to entice you with information, to make you believe that if you talk to them, you will be able to get information from them. Remember that they are highly skilled at this business, and you are not.

The "Mutt and Jeff" technique, in which one agent is threatening and the other sympathetic, is sometimes used by the FBI but not as often as by local law enforcement agencies. It should be recognized, once you are forewarned.

HARASSMENT TECHNIQUES

Some of the more common harassment techniques are these: the agents will pretend they are looking for you, and will approach friends, family, neighbors or fellow employees, asking about you. This gets back to you, and you become more and more paranoid. This is their purpose. They are not looking for you—they already know where you are. They merely want to harass you.

Agents will routinely approach your employer, or school or university administrators. A favorite device is to pull you off the job or out of class, then interview you in full view of others. Another is to tell employers or college administrators that you are a communist, or support the Palestine Liberation Organization or the "Iranians."

The FBI also uses wiretaps, office and home burglaries, and undercover informers who may or may not be agents. If you are doing or saying anything that could be distorted or misquoted by the FBI, or that for any reason you do not want going into permanent files, you should assume that your phones are tapped, your office, home and meeting place bugged, and your organization infiltrated. This does not necessarily lead to paranoia—merely to caution.

Several common misconceptions cause people to succumb to the techniques of the FBI. There is no legal obligation to cooperate with them. You will not gain any advantage by cooperating, even if the agents suggest or promise that you will, since the FBI will invariably lie about this. They will lie to get you to talk, and if you talk, they will lie about what you said.

While there could, conceivably, be a legitimate reason to cooperate, as might be the case if you had been an incidental witness to a heinous federal crime, most probably there is not. Barring such a legitimate reason, you should assume that the FBI's purpose is repression, and follow the simple rule stated earlier: never talk to the FBI.

With the emergence of draft registration and a probably consequent draft, increasing military belligerency, governmental and nongovernmental [illegible] activity, the decline of civil rights, and [illegible] and "human rights," and the advent of a Congress and administration supportive of all these, the FBI and other agencies will again be loosed to ravage the American people.

It is therefore important to be prepared, and to organize around this issue. There are some organizations, including the National Lawyers Guild and the Campaign for Political Rights, which are involved in efforts to prevent FBI harassment, and can provide assistance.

For more information: National Lawyers Guild, 853 Broadway, Rm. 1705, New York, N.Y. 10003, tel.: 212-260-1360; Campaign for Political Rights, 201 Massachusetts Ave. NE, Washington, D.C. 20002, tel.: 202-547-4705; National Conference of Black Lawyers, 126 W. 119 St., New York, N.Y. 10026, tel.: 212-864-4000. ●

THE POT CALLS THE KETTLE BLACK

by Allen Ginsberg

Time Magazine's attack on North American Man/Boy Love Association accuses boy-lovers of "... the systematic exploitation of the weak and immature by the powerful and disturbed."

This struck me on first reading as a precise characterization of Time's own assault on the American mind and body politic.

The obsessive self righteousness of this slick news magazine's judgment glares most sinister in the light of Time's own tendency to manipulate readers' minds through disturbed reporting — such as its story on NAMBLA — not to speak of Time's peddling of local drugs (cigarettes and alcohol) for advertising revenue. ●

NAMBLA According To Charles Jurrist

by David Thorstad

(The New York Native in its Feb. 28 - March 13 issue carried a misinforming and slanted article by Charles Jurrist entitled "Grim Fairy Tales: The World According to NAMBLA." The following letter was submitted to the New York Native, a gay newspaper, last February. The letter is published in its latest issue.)

So, Dignity/Region II has sent a letter to Roman Catholic bishops in New York and New Jersey "disassociating" itself from NAMBLA and stating its belief that "it is imperative to maintain an age of consent." A few questions for Dignity: 1) Which age of consent is it imperative to maintain? The one that happens to prevail in your particular state? 16 in New Jersey, 17 in New York? What should the age of consent be set at in those two-dozen states that still have no age of consent at all for same-sex relationships? And doesn't the Catholic Church say that eight (8) is the "age of reason"? Can an 8-year-old give "intelligent and informed consent" to being terrorized into belief in bizarre and grisly fantasies like the immaculate conception, original sin, hellfire and damnation, eucharistic cannibalism, and crucifictions? 2) Does Dignity really believe that since Cardinal Thelma (aka Fanny) Spellman and Pope Paul VI kicked the bucket there are no more boy-lover bishops—at least in New York and New Jersey? Come, now. In a church whose hierarchy is so riddled with homosexuals, and whose monks and priests have written admiringly about boy-love for centuries (read John Boswell's book!), wouldn't that be a bit hard to swallow? Maybe Dignity does not reflect accurately the practices of many in its own church. Does Dignity expel Catholic boy-lovers? What does it have to offer to gay Catholic boys?

Charles Jurrist's polemic against NAMBLA, "Grim Fairy Tales: The World According to NAMBLA" (Native, Feb. 28-March 13) was mis-titled. It should have been "NAMBLA According to Charles Jurrist." It is quite apparent that Jurrist has read little of NAMBLA's own publications; he does not quote from a single one. Why? Because the world according to NAMBLA is considerably more complicated and refined than the fairy tale he penned. His methodology is the McCarthyite one of amalgam and guilt by association. Whoever Angar Lund is, or his jerk-off novel was designed to appeal to, I have no idea. I have never heard of him, and am not in the habit of reading his or other fairy tales, as apparently Jurrist is. Need I say that Lund is not, to my knowledge, a NAMBLA member? The particular fairy tale served no other purpose than to provide Jurrist with his cute title. Instead of making the amalgam Lund = Wallace Hamilton = NAMBLA, Jurrist owed his readers a fair statement of the positions NA has taken before attacking them. But then he couldn't used his cutesy-poo title.

Jurrist believes that age-of-consent laws pro children. How? He doesn't say. Such laws, he asse "are not only fully justified, they are vitally necessa Tell that to the 14-year-old boy whose older friend sentenced to life in prison. Tell that to the boy wh made to feel like shit by police who harass, las queer-bait, threaten, physically abuse, and torture hi force him to implicate his older friend, and who carries with him the guilt of having participated in jailing of his best friend. "The big problem," says William G. Thorne, head of the Sex Crimes Unit of the Be County, N.J., Prosecutor's Office, "is getting under boys to testify against their male lovers ... interrogation can be intense ... We've got to crack (the boy and it's not an easy thing to do."

How many girls have been protected from rape age-of-consent laws? How many women are prosecuted having sex with a boy? Should they be, Jurrist? I kno one woman who was complimented by the judge for having with a boy, because she had performed the socially u task of introducing the boy to the (exaggerated) joy heterosexuality. Yet if a gay man has sex with a boy, h told by the same judge that he is worse than a murd Heterosexuality is a delicate flower, easily damage perversion, it seems. Reality is a little more compli than the world according to Charles Jurrist.

Age-of-consent laws protect nobody. They contribut the victimization of any gay man who shares his sexu with a boy. Jurrist says all we have to do is to "loo news reports from day to day" to know that coercion o in man/boy contacts. But the opposite is true. Such c are in fact extremely rare, and you will almost never about them in the papers. They are the exceptions prove the rule. NAMBLA has always stressed that co should be the key element in determining whether or no rights of the other person have been violated. The however, says that consent is irrelevant, that if you under the magic age — whatever it may be, since it v widely — you are incapable of giving consent to a pleasure. How ridiculous! Society seems determin prevent the sexual pleasure of its young, particular that pleasure is homosexual, and especially if it invo man and a boy. Nobody, including Jurrist, listens to boy. Meanwhile, mothers are busy pushing their daughters onto the front pages of fashion magazines in poses. Who is exploiting whom?

Jurrist is quite ready to extrapolate from his personal experience to lay down rules for all youth. " I was 13," he admits, "I simply wasn't ready for full-sexual relations." Fine. Jurrist was a late bloomer. 13, most boys are quite ready for sex, and indeed probably been enjoying it as much as they can for sev years already. NAMBLA says that each case should assessed on an individual basis, since every individual different. Just because Jurrist was a late bloomer doe mean that all boys should, or will, follow in his reta footsteps. Yet he advises that 13- and 14-year-olds sh not be allowed to have sex, even if they want it, as t frequently do. "For a year or two," he pompously opi "they will have to suffer this denial." But the age at he argues. Therefore, I guess, states like Hawaii, w set the age at 14, should raise the age, if they are satisfy Jurrist. But where are his words of solidarity w boys 16 or 17 who are involved with older menfriends states where the age of consent is 18, or (as in Canada, England) 21(!), or where there is no age of consent at for homosexual sex? Why is it that people who know so little about the sexual activity and desires of boys fe compelled to write long articles telling them that it is:

"Oh, no, Larry—only girls can grow up to be queens."

their own best interests not to enjoy their bodies until they reach whatever the magical age happens to be?

I would be happy to abide by the results of a nationwide referendum in which only minors could vote. Why not allow them to decide this question for themselves, following a ational debate in which their opinions are consulted? Even an age of 15 would be better than 17. NAMBLA would support ANY lowering of existing ages. But when is Charles Jurrist going to begin struggling for such an improvement in antisex legislation? Judging from his article, I wouldn't hold my breath.

Now for a couple of factual errors in Jurrist's diatribe. He asserts that Hugh Hammill "stands accused of kidnapping a New Jersey teenager." Not true. Kidnapping charges were quickly dropped against Hammill. The police were after eadlines, which is apparently all Jurrist bothered to read, ot facts. Hugh Hammill has never been a member or an "associate" of NAMBLA, but that didn't stop Jurrist from aying attempts by the FBI and the gutter press to link him o the group. NAMBLA has never been involved in abductions. ince our December 28 news conference, have you heard ything more from that "taxi driver" who claimed he picked p a man with Etan Patz? Does it really take two months for olice artists to draw a composite sketch? Or was the ubble part of the FBI's plot? Not one word in Jurrist's olemic condemns the police-state tactics used against AMBLA. NAMBLA did the gay community a favor by publicity xposing this frame-up.

Jurrist says Gabe Pressman asked me if I thought -year-olds could "give informed, intelligent consent to exual relations with adults," and that I "shot back:" Sure—they do it all the time." Jurrist further lied when e said I go around talking about my "inalienable right" to gratify" myself with 6-year-olds. I have never done this, nd have never felt any such desires. By the way, where id Jurrist get the 6-year-old figure? I've never used it, o my knowledge. Here is the verbatim exchange with ressman: Pressman: "Do you think a 7-year-old or a 0-year-old is able to say, 'I want sex with a man'?" Thorstad: "Of course. They do it all the time." True or alse, Charles Jurrist?

We can all agree that there is an age at which a young erson is in no position to give "informed, intelligent onsent" to sexual pleasure, whether with an adult or not. nfants, for instance. Yet I see nothing in Jurrist's olemic to defend such youngsters against violations of heir right to control their own body. How many parents, or example—including lesbian mothers and gay fathers—have greed to the sexual mutilation for life of their infant oys by having them circumcised—without, need I stress, the onsent of the victim? Does Jurrist propose that vice quads arrest all mothers who masturbate their baby boys to eep them from crying? Don't they need special protection ince they're too young even to file complaints? Does urrist really believe that it is harmful to a male under he age of 15 to be sucked off by a man, or by a woman? oesn't it feel good to be sucked off?

But why, he argues, can't they just be satisfied to do it" with each other, with their peers? Well, Jurrist, this ust shows how little acquainted you are with boy sexuality. AMBLA is not opposed to sexual experimentation by young eople among themselves. On the contrary. But obviously urrist has not listened to the explanations of boys hemselves, and has bought the arguments of adults who wish o condemn each new generation to reinvent the wheel. Many oys are afraid to have sex with other boys, but this is a ear they do not experience in their relations with men. hy? Because they are afraid that they may be beaten up by heir peers, but they are not similarly afraid of a man. urthermore, boys of 13 (yes, 13, dear polemicist) are fascinated by cocks — their own, those of other boys, and those of older men. Who is Charles Jurrist, anyway, to tell them that the adult cock is a forbidden zone? Didn't he ever change clothes in a public swimming pool and catch himself wondering how those adult male organs operated, and what they might have to tell him about his own future as a male? If not, all I can say is that his poor benighted past hardly qualifies him to rush into print with his adult proscriptions against boy curiosity.

Maybe Jurrist should go on a campaign to amend the gay liberation slogan "Gay is Good." Let's stop talking about the real world, as NAMBLA has been doing, and make clear that Gay is Good—but only if you're 15. Thanks, but no thanks.

Incidentally, I understand I have been nominated by Hustler magazine as April's "asshole of the month." May I count on Jurrist's vote?

movies

BRESSAN ON ABUSE

Most of what Arthur J. Bressan, Jr. knows about child abuse is on the screen in his film Abuse, which was shown to a receptive audience at the San Francisco International Film Festival.

Known as the maker of Gay U.S.A. and two pornos ("We call the erotic films at film festivals"), Passing Strangers and Forbidden Letters, Artie says ours was the first festival to accept his bio film, after turndowns from New York, LA, and Chicago. "It gets to be a real bummer ..." He feels that closeted gays on the selection committees kept him out of the other festivals: "The gay thing pushed some buttons in people. That's the way it is."

Destined to be controversial, Abuse is a love story between a 14 year old abused child (Raphael Sbarge) and a 32 year old student filmmaker (Richard Ryder).

Bressan notes that Hawaii is the first state to lower the age of consent to 14, "and the world has not collapsed." He predicts that other states will follow suit. As for any thought that his 14 year old hero is too young, Bressan says, "I was nine when I first had sex with a man by choice... I wish there had been an organization then that had picnics for older men and younger boys."

Sbarge was 15 when he made Abuse; now he's 18 and still pursuing an acting career. He's done a picture called Risky Business for Warner Brothers and is up for a small part in a new version of A Streetcar Named Desire with Ann-Margaret. Sbarge was not abused as a child. Artie says, "Neither was I."

To those who would say a child is better off dead than gay, Bressan responds, "It would be better for any of the 4,000 kids who were busted last year if they'd gotten away -- no matter what kind of hornet's nest they got into: drugs, hustling ..."

He says he doesn't know of any studies of the S/M scene to see whether former abused children are drawn to it and, if so, whether on the dominant side for revenge or the passive side for continuity?

Despite the documentary look of much of Abuse, Artie says he staged everything, including person-in-the-street interviews and instances of abuse in a pub. playground.

The burning sequence in the film w shot using "two dollars worth of pigsk over the actor's real skin. The five six kinds of physical abuse shown in t movie are, Bressan says, practically t entire repertoire. "Most abusive pare are not very imaginative."

Abuse has already opened in New Y and been booked in a couple of oth cities. Bressan, who lived here for t years, says he hopes a San Francisco r will be announced soon. He's realist enough to know there are few cities the U.S. where Abuse will ever be show but it won't take much to recoup t $27.000 investment.

NEXT CONFERENCE

The Steering Committee is beginnin to make plans for our next nationa conference. The chosen site and dat (Boston, Dec. 3 - 4) are significant It was in Boston, five years ago thi coming December, that NAMBLA was born By simply happening, our nex conference will be a celebration c our perseverance and indomitabl spirit.

Be sure to circle this importan date on your calendar.

PATROLMAN:Called a Child Molester

REPRINT FROM THE LOS ANGELES TIMES ABOUT A HIGHWAY PATROLMAN WHO TOOK HIS OWN LIFE RATHER THAN FACE CHILD MOLESTING CHARGES

Continued from page 1

found by a fisherman the next morning, Garrett's family and acquaintances were reading about the officer's arrest in the Sacramento Bee: "CHP Officer Charged With Molesting 3 Boys."

Although it was shocking news to everyone who knew Garrett, child molestation stories are not uncommon in Sacramento or in any other city. In Sacramento County, child molestation arrests exceed those for rape... (Cmdr. Root) said he could keep five officers busy full time just investigating child molestation.

(Lloyd) Martin said fewer than 1% of child molestation incidents involve violence or force -- except the force inherent in any situation where an adult uses his or her greater experience to manipulate a child. "Most pedophiles don't want to hurt a child," he said. "It's a loving, caring, lustful relationship."

The crime often involves fondling and a sort of "playing doctor," rather than any overt sexual act. Yet the stigma that surrounds child molestation is far greater than that for many violent crimes.

Lt. O'Donnell is 52, (with 29 years CHP experience). If he were 30 years younger, O'Donnell said, he might judge Garrett's case in terms of black-and-white, good-and-evil. "But you can't be this old and not be a little sympathetic," he said.

"I'm kind of unusual, I guess. I make a distinction between crimes of violence and other crimes. I have no sympathy for violent criminals. I can't imagine anything worse than a big hulk beating on a 3-year-old kid.

"I owned an apartment house in Napa once. A woman who lived there beat her kid to death. But in the eyes of society, that's just a crime. What Paul did is a CRIME CRIME CRIME. It's unfortunate that we have things on TV that make it OK to chop people up with axes, and yet what we have here is a guy that died because he cared about kids.

"You have to realize what an internal conflict this guy must have been going through. He's a dedicated cop, no doubt about it, and on the other hand he's got this thing -- I don't know what it is -- that drives him.

"There are lots of people who are trying to live a life that's halfway normal, but they have the same conflict -- they're attracted to something that's not right. This may be a hell of a thing to say, but they're really driven love."

(Garrett's sister, Nancy, 30, a t rep) said, "The newspapers kept u the word child molester. I looked up word molest in the dictionary -- it to annoy with intent to harm -- an know that's not my brother."

Then in the obituary column of Bee there appeared an announcement the burial of Paul Douglas Garrett. obituary is normally a brief biogra stripped of scandal, but in this case last public notice regarding Paul Gar included mention of the suicide and child molestation charges.

Many readers apparently felt this the final insult. The Bee received doz of letters and calls objecting to obituary from people who didn't e know Garrett. The heat was enough that the following Sunday, the Be ombudsman, Art Nauman, devoted lengthy column to an explanation of paper's policy on obituaries. At the e he got around to apologizing for Garrett obituary: "In a momentary la of sensitivitythe Bee exacerbated family's grief, and disturbed the pe of many others."

The paper also printed letters fr readers who felt than anyone accused child molestation deserved no merc Nancy Garrett wrote a passionate repl It was never mailed, but one of things she said in the letter was t she herself had been fondled by 60-year-old neighbor when she was 7.

"I never forget it," she said. "But wasn't molested. He never intended hurt me. He just got mixed up in h

Pag

Death of 'Good Cop,

Continued from page 8

sexual feelings somehow.

"I don't know what my brother did, but I know that he adored children. From the time he was 13 he always had kids around him. Always."

Her father, an Air Force man (who declined to be interviewed), expected a lot from Paul, recalled Nancy. "Paul never had a childhood. He had to behave like a man at all times. He couldn't cry. He couldn't act weak."

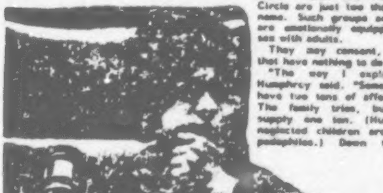
Nancy Garrett said the only thing that ever finally pleased her father was when Garrett became a CHP officer. If he had lived and had been convicted, that surely would have been taken away from him.

After her brother's death, Nancy Garrett discovered hisCHP manual among his belongings. Studying the book and the CHP oath, she better understood the pressures her brother faced. "It was drilled into recruits over and over again. You must protect your honor. You will keep your home life clean."

O'Donnell spoke of this pressure to be perfect in his eulogy read at Garrett's funeral: "We who have chose to be cops are, believe it or not, human beings. We bleed, we cry, we get scared. Society tolerates very little less than the ideal from the cops and probably rightly so ..."

Friends and coworkers have rallied around Nacy Garrett following the publicized suicide. "Some of my friends flat out don't believe the charges," she said. "I don't know if they're just saying that on my behalf. But mostly we don't talk about that. We talk about how crummy it was that it had to be on the front page of the paper -- it was like he was convicted before he came to trial.

"It was the loss of respect he couldn't live with," she said. "What if it had been handled privately instead of publicly? Would it have made a difference?" (Garrett didn't live to see his name in the paper, but he had been advised that news of his arrest would appear in the Bee.)



Nancy Garrett said she feels anger at the parents who turned Paul in. If they loved him as much as they now claim, she asked, why couldn't they have confronted him with their suspicions themselves and avoided the arrest and subsequent publicity?

She answered the question herself: "My therapist said, 'Nancy, if it's your kid, love can turn to hate just like that.'" She snapped her fingers.

Sgt. Robert Humphrey of the Sacramento Sheriff's Sex Assaults Bureau is not a chatty or a jovial man. His job involves exploring difficult aspects of human behavior. Following Garrett's arrest, Humphrey was the one who visited the officer's family, his supervisors, and the families of his victims to try to help them understand what had happened.

Pedophile -- another word for child molester -- means child-lover, Humphrey told them. According to Humphrey and other authorities, pedophiles are motivated by feelings of love. It's the expression of that love in socially unacceptable ways that can be psychologically harmful to a child.

"Pedophilia is a life style and a sexual preference," Humphrey said. "That's why you can't do anything about it." Efforts at "curing" true pedophiles of their predilection routinely fail, Humphrey said. Prison sentences don't seem to do much but keep the offenders out of operation. Judges who realize this often hand down light sentences to nonviolent child molesters.

Humphrey said: "I seriously doubt that Garrett would have gone to prison."

Since most adults believe sex is a natural means to express love, and pedophiles love children, Humphrey said, they don't find anything wrong with physically demonstrating that love. Said Cmdr. Ray Root, a veteran of 15 years working with sex crimes: "They don't see it as a problem. They simply see it as against the law. They think the law ought to be changed."

There are associations in many large U.S. cities that promote the rights of adults and children to engage in sexual activities. The North American Man-Boy Love Assn. and the Child Sensuality Circle are just two that Humphrey could name. Such groups argue that children are emotionally equipped to consent to sex with adults.

They may consent, but for reasons that have nothing to do with sex:

"The way I explain it is this," Humphrey said. "Some kids have got to have two tons of affection every week. The family tries, but they can only supply one ton. (Humphrey said that neglected children are ripe targets for pedophiles.) Down the street is a pedophile. The kid gets utterly dependent on him before he makes his move. You wind up with a non-complaining victim."

What the pedophile has to offer in exchange for caresses or more overt sexual favors is long hours of attention and affection.

As one of Garrett's alleged victims, a 7 year old boy, told Humphrey: "He (Garrett) was my best friend."

Root doubts that the pedophile's love is genuine. "In my opinion it's all sexually motivated," he said. "I'm not sure I like the term pedophile -- child lover. It makes it kind of nice."

Garrett fits the pattern both Root and Humphrey have observed a thousand times: pedophiles tend to choose careers that ensure they will be trusted by parents, thus giving them access to their children. That could be why many of the publicized child molestation arrests involve community leaders -- scoutmasters, teachers, preachers. As a police officer, Garrett readily inspired the trust and affection of his neighbors in the trailer park, both adults and children.

Another characteristic of pedophiles, Humphrey said, is that they never seem to tire of spending time with kids. Nancy Garrett recalled vvisiting Garrett's boat for a barbecue last year. There was a little boy who lived on an adjoining boat hanging around all day. "It was annoying me, but Paul didn't pay any attention to it."

Pedophiles often plead guilty to charges against them simply because they care about the welfare of their victims too much to subject them to a trial, Humphrey said. True to form, Garrett said after his arrest that he would not let the children go to court.

No one interpreted that at the time as a suicide threat.

Root said that the arrest records of child molesters are routinely marked "suicide risk," but neither he nor his coworkers could recall another suicide following such an arrest.

But as cops themselves, he said, they could all understand why Garrett might have done it.

"You spend 10 years as a policeman and you tend to set yourself up as more moral than other people," Root said. "Imagine losing that status to be classed with the social outcasts and criminals you are supposed to protect society from. All of a sudden, Garrett was slapped across the face with: 'I'm everything I ever hated.'"

When a woman called one morning about a month ago and said: "I'd like to file a complaint against one of your officers for child molestation," CHP officer Marie Poppen assumed it was a prank.

"I wish that would have been the case," Poppen said in a recent interview.

Poppen broke Garrett in on the job when both were stationed in East Los Angeles nine years ago. Garrett caught on fast. "He was very bright. Actually, brilliant," Poppen said.

After working in Los Angeles, then San Francisco for seven years, Garrett transferred to Sacramento 18 months ago and was again in the same office with Poppen. They renewed their friendship

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CALENDAR

July 8: NAMBLA New England will meet at 7:30 P.M., Glad Day Bookshop, 43 Winter Street, Boston. The chapter will meet on the first Friday of each month except for holiday weekends when meeting will be on the second Friday. Watch GCN or Bay Windows for notices.

July 11: Los Angeles Chapter open meeting. 1654 North Hudson Avenue, Hollywood, 8 PM.

July 16: Horatio Alger (New York City) Chapter meeting. 306 West 38th Street NYC, 7 PM

July 30: San Francisco Chapter meeting. The Pride Center, 890 Hayes Street (corner of Fillmore), 11 AM

Aug. 5: Bulletin Collective meeting. 7 PM. Call for information.

Aug. 8: Los Angeles Chapter open meeting. 1654 North Hudson Avenue, Hollywood, 8 PM.

Aug. 27: San Francisco Chapter meeting. The Pride Center, 890 Hayes Street (corner of Fillmore), 11 AM

Highway Patrolman ...

Continued from page 9

by fishing together on Garrett's boat. Garrett, a bachelor, talked about a woman he had dated for about six years when he lived in San Francisco. (The woman was contacted by Nancy Garrett after Garrett's death. She said she "adored" Paul. She declined to be interviewed.)

As well as being a friend, Garrett was a fine officer, Poppen said. He had several "good guy" letters in his file -- commendations from citizens whom he had gone out of his way to help. Last year on a routine stop, his alertness led to the arrest of two suspects that eventually cleared up nine auto thefts and more than 50 burglaries.

"To Paul, Highway Patrol was his life," Poppen said. "He was so much highway patrolman, so much blue and gold, that he could not handle it (the arrest) in his own mind, even though he knew the whole office was his friend."

Because the complaint call that Poppen received was of felony nature (any touching with sexual intent of a child under age 13 is a felony; from 14 to 18 it's a misdemeanor), the department had no choice but to contact the Sheriff's Department. "We had to report him," O'Donnell said. "we had to do what a cop has to do."

After being assigned to the case, Sgt. Humphrey visited the trailer park where Garrett lived. He interviewed Garrett's neighbors. When he felt he had enough evidence to arrest the officer, he went to the South Sacramento CHP Station.

Garrett had just gotten off duty and had changed into his civilian clothes when he was ushered into an office and introduced to Humphrey. The time was 5:10 p.m.

He was booked at 5:33 that evening. He never went upstairs to the jail. Humphrey explained that with prisoners working around the booking area the word would spread in an instant that there was a cop in custody.

Later that same evening when Garrett was released without bail, O'Donnell went to the jail voluntarily to pick Garrett up.

"When we hit the street, he started crying," O'Donnell said. "He was pretty much down on himself."

O'Donnell said this conversation ensued:

"You're the same guy I knew last week," O'Donnell said. "That's the way all the supervisors feel. Even in the back room, they (the street cops) all feel the same way."

"What should I do next?" Garrett asked.

"Do nothing," O'Donnell said. "Get a good attorney."

"Should I resign?" Garrett asked.

"No. Get some advice."

O'Donnell said they never discussed Garrett's guilt or innocence. After about an hour of driving around, they stopped for a cup of coffee.

"I told him he shouldn't stay in the trailer park because there are all kinds of people who would like an excuse to kill a cop," O'Donnell said. "He asked about his retirement benefits, his paycheck. He knew he was not going to come back to the CHP, but we didn't discuss that."

O'Donnell offered to accompany Garrett while he broke the news to his mother (who also wouldn't be interviewed). They drove to the beauty shop where she was working, but Garrett couldn't bring himself to go in.

They drove to Garrett's trailer and collected his CHP revolver and other state property, which was turned in at headquarters.

Then O'Donnell dropped him off at the back door of the station where Garrett was to pick up his car.

"I opened the door, shook his hand and said, 'Paul, call me any time for anything if you need help.' He didn't call."

Across the Sacramento River from the trailer park where Garrett lived, a young man was outside on a recent afternoon, working under the hood of a car.

The 19-year-old lives here with his wife, his mother and father and his two brothers. The whole family moved west less than a year ago.

One of his brothers was the one who reported Garrett when he observed Garrett fondling their 6-year-old brother, while their family was in the room watching TV together.

"At first we were very, very mad," he said. "Later, when the police got involved and explained the kind of sickness Paul had, we felt sorry."

He swung a wrench slowly in his hand and said, "Right now I feel bad I couldn't have talked to him. I would have said, 'I forgive you and I want you to get some help.'"

"He was longer a friend than anything else," he said. "His mind was more or less in a retarded state; he wasn't a mean or cruel man."

As for his little brother, he said he isn't concerned that the episode will have any lasting effects. (Humphrey said the children's feelings of guilt for Garrett's death may cause more severe problems than the trauma of the molestation: "I told on Paul; now Paul's dead.")

The brother said: "The only thing that happened (to his brother) is, he was touched. I don't think he will ever forget that, but I don't think it will change him either." ●

THE GREAT EQUALIZER

In the last century, Samuel Colt's revolver became known as the great equalizer. Individuals of small stature no longer had to feel intimidated by those physically more powerful. It appears that the computer is doing the same thing, albeit in a more civilized way, for children. A case in point is Ramon Stovall, an 11-year-old who came to national attention for his syndicated column reviewing computer games.

Ramon is not unique as a youngster whose achievements rivals that of most adults. Recently, a Phil Donahue show highlighted equally impressive accomplishments of a group of youngsters aged 8-17. These accomplishments seem extraordinary and are so presented in the media because society's structure has built into it so many impediments to children's aspirations. The recent emergence and proliferation of home computers may have a profound effect on the liberation and empowerment of the young. This is a potential development very much in line with NAMBLA thinking.

— Peter Melzer

BOYS IN THE MEDIA

by Nat M. Black

CBS has dropped two programs for next season: Gloria and Seven Brides for Seven Brothers. Their additions include Whiz Kids, teenage detectives using a computer, and Navy, where Dennis Weaver has a family. ABC's fall schedule includes Webster, Alex Karras as a newly married football player who adopts an 8-year-old.

The Tap Dance Kid, the story of a boy "born to dance", but facing opposition from a strait-laced father, may open on Broadway this fall. Alfonso Rivera, 10 or 11, and "so cool", would play the lead.

A comic series, Kong the Untamed, issued briefly by DC in the mid 1970's, tells of a blonde boy among prehistoric savages. He looks older on the cover but he's only 12 in the story.

I found a 1941 booklet, Children in the Theatre, put out by the National Child Labor Committee. Despite this source, it gives a good picture of boy acting at that time. Excerpt: Children are always assigned dressing rooms separate from adults. Few have important enough roles to merit a private one. When there are several children, the boys usually share one room and the girls another. That's where they spend most of their time when not on stage. In one instance, 11 kids were put in a tiny room 9 flights above the stage, with only a "short drape as a gesture of privacy between boys and girls".

A TV Guide article on Ricky Schroder tells us: Ricky contributes ideas to Spoons scripts; his mom is with him constantly; he's naive about things like off-color jokes; and he got in trouble riding his bike over the collapsible bridge at the "Jaws" lake.

I saw "Tender Mercies". This movie is an updated "Raggedy Man". Allan Hubbard, 9 or 10, with a real Texas accent, makes a beautiful boy character. He's dressed too well for the setting. Most of the plot revolves around country music and adult heterosexual love... I didn't see "Something Wicked This Way Comes", but the two 12- year-olds starring in it were criticized as being "too sanitized".

The Walden School, 1 West 88 Street in New York, is offering five 2-week musical theatre sessions for 8-16 year olds this summer. Each session will have its own production.

NAMBLA member Martin Swithinbank reported on a riot in his upstate New York prison. He said he hoped press coverage would focus more attention on the poor conditions there. Unfortunately, press coverage was suppressed.

Alan Lehrman of New York started a theatre troupe called Manhattan Theater Workshop Company, to promote theatre for and by teenagers. He claims too many parents and teachers turn talented kids off by telling them their work is cute but nothing to consider seriously. The first production, "Michael", by David Brandt (a HS sophomore) and Michael Roth (a junior), is about a teenage psycho who's turned loose on New Years Eve.

The Boys Choir of Harlem performed Mozart's liturgical music and did very well at this difficult task. Much of Mozart's work was written with a male chorus in mind, but is seldom performed that way today. Walter Turnbull's choir was "splendidly disciplined in tone quality, precision, balance and intonation."

In deference to David Groat, I mention only briefly that the trashy weekly newspapers like Star or Enquirer often cover some facet of boyhood. You can check this out on supermarket checkout lines. Also, a posh menswear store coming to NY's Fifth Avenue put up a large billboard showing several models, 6-7, clad in towels.

This will surprise some, but I pretty much agree with David Groat's comments on this column elsewhere in this issue. I will concentrate more on achievement than ogling situations. But remember this is a column on media, not on how to go out and get to know boys. I wouldn't mind seeing such a column too. ●

STEERING COMMITTEE HIGHLIGHTS

On May 21, 1983 the Steering Committee held its scheduled meeting in New York. Teddi Bernie moderated the session.

First on the agenda was the presentation of a gift to Renato Corazza in appreciation for his fine work in gathering material and coordinating the publishing of the Bulletin, and thanks to everybody for all their fine efforts.

Two members were unanimously elected to the Steering Committee, Richard Mayer and Steve Johnson. Steve, a native Long Islander now living in New York City, drives a Taxi and is responsible for NAMBLA's Bulletin distribution project. The 1983 edition of the NAMBLA brochure is presently taking form and is expected to be available shortly. Monies were authorized for the printing of 2,000.

The 1983 Membership Conference, will be held in Houston this year on the 3rd and 4th of December. Stay tuned for time and place. The S.C. authorized funds for advertising in various gay publications.

On the eve of New York's Gay Pride March the S.C. met for its June meeting, again in New York. Committee members reviewed the newly-published NAMBLA Journal Six, and all were extremely impressed with its quality. A resolution was unanimously passed commending the San Francisco-based Journal Collective for its work.

A proposal was put forth by a Committee member to limit the content of NAMBLA publications to official pronouncements and reduce the number of photographs and poems that might be construed by forces hostile to NAMBLA to be in poor taste. The proposal was motivated by a sense that NAMBLA was alienating people who might otherwise be friendly to us by its sexually frank publications. While the suggested change in policy received little support in the S.C., the proposal will be published in the next Bulletin and members will be urged to comment.

A resolution was passed to establish a committee to continue with the formation of work groups, as had been mandated at the 1982 Membership conference in Philadelphia. Progress had been delayed by the aftermath of the Pats scandal.

The S.C. voted to request that regional chapters send to the Committee a copy of all press releases and public statements upon publication. The measure is intended to increase coordination within the association.

The Committee's next meeting is set for August 20 in New York.

— S.J.

Hi there! wanna sip on my straw?

* * *

PRISONER SUPPORT PROGRAM RESUMES

After a hiatus of nearly a year, NAMBLA Bulletins are again being mailed to prisoner-members, beginning with this issue. Any correspondence regarding prisoners should be sent directly to the prisoner support chairperson as follows:

P.S.P.
P.O. Box 10675
Phoenix, AZ. 85064

Members wishing to help ease the financial burden of this program are urged to send contributions to the NAMBLA post office box in New York.

Pen Pals Needed

Members who live in any state can be matched with a prisoner in their own or adjacent state who want a correspondent. Please write to the prisoner support chairperson, who will send you a prisoner's address and advice on corresponding with people in jail.

Though the program will be limited to the mailing of Bulletins and the linking of pen pals, the backlog of prisoner mail is being analysed to see if there are prisoner concerns that can be addressed in a general way.

* * *

for sale

BULLETIN - 1980 & 1981 ______	each $ .50
BULLETIN - 1982 ______	each 1.50
BULLETIN - 1983 ______	each 2.00
(There are 10 issues of the Bulletin for each year.)	
JOURNAL # ______	3.00
PAEDOPHILIA REPRINT - reprint of Dutch Study Group supporting and explaining paedophilia ______	2.00
PAN (various issues - indicate alternate choice) ______	5.00
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Please add 10% to cover postage.
Checks should be made out to NAMBLA and sent to:

NAMBLA, P.O. Box 174
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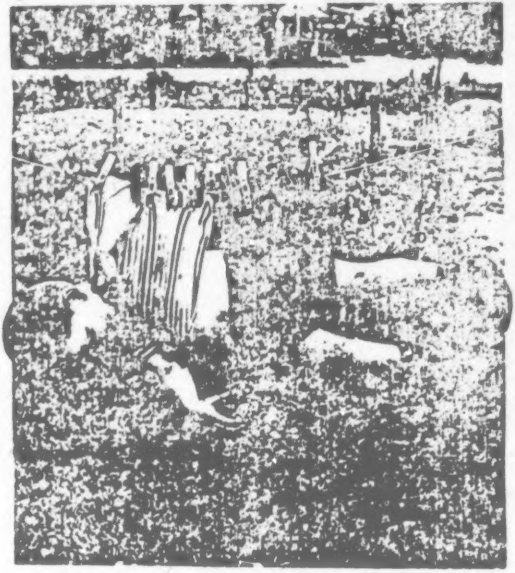
New York, N.Y., 10018



MONITORING THE MEDIA

The following is excerpted from a le
sent to WGBH Television in Boston.

• • •

I watched your broadcast last eve
entitled "Child Molesters: Please
Them Stop." You worked to avoid
irrationally violent reaction this sub
typically provokes and effecti
portrayed the humanity of individ
unable to control their own sexual de
without external assistance. And
revealed a little of the trauma suff
by those on whom unwanted s
experiences have been forcibly im
with emotional and sometimes phys
violence.

I am concerned, however, by cer
lapses of balance in your presentat
You portray two (overlapping) subgr
without acknowledging the relevant la
groupings of which they are a part.
effect, presenting them out of cont
For one, you looked only at t
offenders who victimize children.
implications does this research have
other categories of rapists? Do men
rape women exhibit any biolog
anomalies apparently common among men
rape children?

Also, you have only included chil
who were traumatized by unwanted se
experiences, ignoring those who enjoy,
seek out sex with adults and ex
it as a pleasant part of their natural
velopment. What proportion of adult-ch
sexual contacts are experienced imm
ately or eventually by the child
traumatic or even unpleasant?

The research reported may not o
answers to many of these questions,
your failure to ask them has serio
marred the objectivity of your presen
tion. Despite its flaws, though, y
report has made an important contri
tion. It reminds us that, when we
easily hate those named in such r
reports, we ought to consider the r
human beings represented there, who
desperately need our loving concern.

— John Van der R

EDITOR & COLLECTIVE: Renato Corazza, Peter Melzer, Bill Andriette, Ray Madow, Mel Black, Peter Reed, Linda Frankel, Bob Rhodes, Dave Ingalls, Arnold Johnson, Steve Johnson, David Thorstad

Annual dues in NAMBLA are $20 (US & Canada), $25 (Foreign), $30 (Library & Institutional), $100 (Supporting), $500 (Life Membership). Upon application, persons with limited income may pay $10 and prisoners may receive free membership. The Bulletin is issued ten times yearly, and the Journal annually. Criticism, suggestions, or literary contributions to either are welcome. Unless permission is specifically given, names will not be printed with contributions chosen for publication. The Collective reserves the right to edit manuscripts for reasons of length, syntax and grammar. Items will be returned only if accompanied by a suitable envelope affixed with sufficient return postage. Communications to NAMBLA, the Bulletin or the Journal which require a response should also be accompanied by such an envelope. Address all communications to:

NAMBLA PO BOX 174 MIDTOWN STATION NEW YORK NY 10018 (tel. 212/807-8578)

Senator SPECTER. Senator Grassley.

Senator GRASSLEY. Mr. Chairman, I am certain that every heart in this room goes out to Noreen and John Gosch and I think a problem like this is going to take an awful lot of law enforcement and maybe even a change in attitudes within law enforcement to function on what is becoming a problem more known. And as it becomes more known, we learn that it is more widespread than anybody ever anticipated.

If I could, I would like to ask you how much money did you have to spend on private investigators?

Ms. GOSCH. At the present time our entire investigation has cost us almost $150,000 and we did not have this to spend. We went through our own savings very quickly and we sell the world's finest chocolate bars, we sold 100,000 candy bars, we sell buttons. Back home today they are having a garage sale. This is what we have been reduced to doing, to find our child.

Senator GRASSLEY. So you are in the process of fundraising almost continuously?

Ms. GOSCH. Constantly.

Senator GRASSLEY. Do you have a recent photo of Johnny that you could hold up for us?

Ms. GOSCH. Yes, I do. This photo is an aged photo which was done for us by the FBI. The earlier photo was taken similar to this 2 years ago. So we needed to have it upgraded a bit to show that Johnny is a little older, hollowed out at the cheeks, in the face. We are going to be using this on a new missing persons flyer.

We have also a picture of a man who took our son. This is a composite sketch that was supplied by witnesses. This man has been sighted with our son on numerous occasions in the United States, valid sightings to indicate the type of industry and sexual exploitation that we are referring to today.

Senator GRASSLEY. Would it be possible for you just maybe to take one of those instances of his sighting and tell us what—just describe it and what the result was, if any, positive or negative.

Ms. GOSCH. I will refer to the sighting in Tulsa, OK in March 1983. Johnny broke away from his captors and raced down a street in Tulsa, OK, ran up to a woman in the front of a convenience store and begged for help and he indicated that he was John David Gosch. He walked with a limp and he spoke with a slurred speech pattern which has been concurrent to all the sightings. The woman said, yes, I will help you. At that moment this man, accompanied by another man, came around the corner, grabbed our son, strongarmed him and dragged him away. The woman pursued on foot. She then lost them. They went to a waiting car and sped away.

She immediately went to the Tulsa police who, by the way, had this picture hanging on their bulletin board in the police station, and she was told to mind her own business.

We could have had our boy back on March 2, 1983, had a bulletin been sent out. Unfortunately, it was not done.

It took many months of resolving this, doing a walk through talking to all the witnesses in the area. It was definitely John David Gosch. That makes my heart turn off.

Senator GRASSLEY. Would you describe for us, and maybe it would be a followup of what you just said, but would you describe how you believe that law enforcement could better respond to missing children's reports?

Ms. GOSCH. I believe that when a missing child's report is taken there ought to be some strategic questions asked. Was the child having trouble in school; did he take food, money, or clothing? If the answer is "no" to these questions, a red flag should go up immediately. Then discussion and the investigation with witnesses, determine automobiles if there was one, other indications that might indicate foul play. And then move on it. Do not wait 72 hours. The city of Indianapolis has instigated this program of finding kids by moving on it quickly and they are including all categories of children.

The stranger abducted, the parental abducted, the runaway. Because kids, they are minors, if they are not where they are supposed to be they are at risk.

Senator GRASSLEY. Have you had any phone calls from Johnny lately or has there been any sightings of him lately?

Ms. GOSCH. In February 1984 we received three phone calls shortly after midnight from our son who was pleading for help. I asked him where he was being held or if he was alone and they immediately disconnected the phone, slammed the receiver down. He was not alone. He was being forced to make the calls.

On the second call, the slurred speech pattern surfaced again and he indicated he was being held in New York. I asked him if he thought he could get away. They slammed the phone down a second time. Six minutes later the phone rang again and it was Johnny again, crying and pleading for help.

I had three attempts. The third time I did not ask questions. I kept reassuring him that we were looking for him, that we would find him. I then telephoned the police immediately.

They tried to trace the calls and they told me they were unable to because it was outside the Northwestern Bell range. It would then be AT&T equipment.

We then approached AT&T and they told us that if they helped us they would have to help every other set of parents in the country like us and there is too many.

In Virginia there were several escaped prisoners. Calls were traced through a billing search of AT&T and its records in order to apprehend them. We were told that AT&T was unable to do this for us. It is not a question of not being able to do it. The equipment is there. But it was denied us for our son.

Senator GRASSLEY. Is there a trace on your phone?

Ms. GOSCH. We do have the tracing system back up now. I received about a week's worth of sexually harassing calls last week and it was due to another network publication of a news article. And very often when this happens we do get the crazies that come out and so we telephoned the police to ask them to trace the calls. To their amazement, they found that AT&T had taken off the tracing equipment without notifying them, the FBI or us. The tracing equipment is now back on and it took only a matter of hours after I contacted Senator Grassley's office.

We have found that in order to get anything done at all for the search for our son through the proper channels, we have to go through our Senators and our Representatives. Otherwise, we just virtually get no assistance.

Senator **Grassley**. Was there a recent sighting in Texas?

Ms. **Gosch**. Recently we did have a sighting in Texas, about 3 weeks ago. A man who operated a motel at a very bad part of town, it fits the mode of this type of activity where they are picking up children, he was spotted in the motel with a man fitting this description. The motel owner did telephone the FBI. At that point 2 hours passed and no one surfaced, no one showed up to take the report or anything. So the motel owner called me because our phone number is on the flyer as well. I then telephoned Senator Grassley's office, told him of the situation and in fact this was a real sighting. We had to move quickly because it would be a chance when we had them in a location. They telephoned the FBI. We did receive the help, it was not Johnny but it was delayed time by having to go through Senator Grassley's office. This has been throughout the whole case, which has been very unfortunate, and it is not just Johnny Gosch. There are many other children in the same predicament.

Senator **Grassley**. Thank you.

Senator **Specter**. Thank you very much, Senator Grassley. Thank you very much, Ms. Gosch.

I would like to turn now to Dr. Neil Malamuth, representing the American Psychological Association. Dr. Malamuth is an associate professor of communication studies at UCLA, a student of pornography for some 10 years. Dr. Malamuth, we welcome you here. Thank you for joining us.

Would you start your testimony by giving us something of your own educational and professional background?

STATEMENT OF NEIL M. MALAMUTH, PH.D., UNIVERSITY OF CALIFORNIA AT LOS ANGELES, ON BEHALF OF THE AMERICAN PSYCHOLOGICAL ASSOCIATION

Mr. **Malamuth**. Thank you, Mr. Chairman. It is an honor and a pleasure to be here. I have a Ph.D. in psychology and I am currently associate professor of communication studies and chairman of that program at UCLA and, as you mentioned, I have done numerous studies in the subject of pornography and what I would like to do is talk about some social and scientific research on this matter.

Senator **Specter**. Please do.

Mr. **Malamuth**. Thank you.

What I would like to do is to touch on five central issues which I think are relevant to today's hearing. A more detailed presentation of these research findings are presented in the written version that I have attached.

I would first of all like to talk about the content of pornography. It is clear when we look at content analytical studies of pornography that there is much more than nudity and sexual explicitness here.

I should mention that when I use the term pornography now I am referring to sexually explicit media without any negative or prejorative meaning intended and I am not making distinctions between pornography and erotica which undoubtedly can be made and can be meaningful. To avoid that debate I am talking about pornography as sexual explicitness in terms of media. But as I was saying, it is clear that within pornography there is much more that needs to be examined than sexual explicitness or nudity. The important element that we study as part of research in pornography are the messages found within the sexually explicit media. These are messages about the roles of men and women, about power, about social relations, about values and morals and so forth. And as a generalization, I think it is appropriate to indicate that a great deal of pornography does portray women in a negative way that clearly is contrary to the ideals of social equality between men and women.

In addition, since the early 1970's there has been an increase in the amount of sexual violence within pornography and here I am referring to the depictions of rape and coercive sexuality.

The second issue that I would like to mention concerns the effects of pornography on the sexual responses of adults. And here we can talk about two types of studies. There have been studies that have exposed subjects to pornographic materials and examined changes in sexual arousal patterns and sexual activities. And in general these studies have not shown any long lasting changes in sexual behavior.

On the other hand, there are some reports from studies on the use of pornography to reduce anxiety about sex or to increase sexual desires that have shown some long-term changes.

The third issue concerns the effects of pornography on social relations rather than sexual relations. And here the research does indicate that certain types of pornography, such as violent pornography, do effect responses relevant to social relations.

For example, exposure to pornography that portrays rape as a sexual act with positive consequences does change some men's attitudes so that they become more accepting of violence against women. Also, exposure to violent pornography increases some men's willingness to inflict pain on a female target in a laboratory situation. But I would add that we have to be very cautious about generalizing in any simple way from laboratory aggression to aggression outside of laboratory circumstances.

In general, though, the research does suggest that violent pornography can contribute to a social climate that is more accepting of violence against women. Recent data also suggests that negative effects of exposure to certain types of pornography may not be limited to stimuli that are clearly violent, but may also occur with other types of portrayals such as those showing women as insatiable nondiscriminating sexual creatures. However, it is important to stress that there are also various forms of sexually explicit stimuli such as those portraying men and women in roles that involve equal power, mutual respect, and loving relationships, but do not increase antisocial responses and may in fact reduce such antisocial responses.

So the primary importance appears to be the message in the stimulus rather than sexual explicitness. But it is also clear that pornography is not just a fantasy, that it may affect social attitudes and relations in the real world.

The fourth issue I would like to touch upon is pornography and criminal behavior. There are no conclusive social scientific data that I am aware of that show any direct causal connections between pornography and crime such as rape. There are however some findings that are consistent with that possibility.

For example, it has been found that in general there is a correlation between the amount of pornography consumed in a State within the United States and the amount of rape in that State. A similar correlation has been found in a number of countries throughout the world. At the same time, it is also clear that there are some individual States and countries where there is a low rate of rape and a high consumption of pornography. In other words, the correlation is not an absolute one and there are examples of many individual instances where there is not necessarily an accompanyment of high pornographic consumption with high rape rates. Although in general there does appear to be such a correlation.

Therefore, if there is a direct connection between pornography and rape, as I am saying, there is really no scientific data to clearly establish such a connection. But if there is such a connection it is obviously not a simple relationship and there are many other factors that need to be taken into consideration.

Finally, the fifth issue I would like to mention is with respect to pornography and children. Research on the effects of child pornography on the child participants does suggest some long lasting negative effects for many individuals. However, there is very little research on the effects of exposure to pornography on children who are not used as participants. Most of the available research consists of case studies of both criminals and noncriminals. While these case studies suggest that for some individuals exposure to pornography during childhood may have had strongs effects on both sexual responses and on antisocial behavior, we have to be very cautious not to generalize beyond these few individual cases to very large numbers of people because we simply do not have the data.

The dearth of systematic research in this area is primarily attributable to ethical considerations. It would seem very unlikely that researchers would be granted permission from ethics committees at universities or other research institutions to expose individuals below the age of 18 to pornographic stimuli for research purposes. Similarly, there are likely to be considerable restrictions imposed on researchers who might attempt to interview children about their experiences with pornography. I do think, though, that it is surprising that more interview research has not been conducted within the limitations of ethical considerations. At present, therefore, the best that can be done, at least from the social-scientific perspective, is to try to extrapolate from research with adults.

In light of the research I have mentioned I would suggest that exposure to pornography probably does have some long, lasting effects on some children. This suggestion is based on the evidence that exposure to pornography affects some adult responses and considerable other data that show that children are generally more susceptible to media and other influences than are adults. It is necessary for much more research to be conducted, however, before we can have a better idea of the percentage of children who are affected and the degree of pornography's effects relative to that of other elements in the child's environment.

In conclusion, I would like to reiterate four basic points:

First, what is most important about the contents of pornographic stimuli is the message communicated rather than sexual explicitness.

Second, there are various messages within pornography that are clearly contrary to the goals of social equality among men and women.

Third, the most clearly documented effects of pornography are in the area of social relations and not sexual or criminal behavior.

I might add however that there are severe limitations on the extent to which social-scientific research can study any possible direct connections——

Senator SPECTER. What kind of social relations are you talking about, Dr. Malamuth?

Mr. MALAMUTH. As I mentioned, these would involve attitudes between men and women, attitudes about rape, the way a person might vote on a trial where they are serving as members of a jury in a rape trial.

Senator SPECTER. When you talk about rape and you talk about statistics where there is a great deal of pornographic literature and the incidence of rapes, how about individual cases? Are there any cases, to your knowledge, where someone is convicted of a rape and immediately preceding the rape, the rape incident, was reading pornographic literature and had said that the pornography was an inciting or triggering factor?

Mr. MALAMUTH. There are data that I presume or believe are better for judging cause and effect relationships. The kind of data that you mentioned could be coincidental.

Senator SPECTER. Well, let us start with my question and then with your data.

Mr. MALAMUTH. I am not familiar with that type of research. I am familiar with two types of research that I think are relevant to that.

Senator SPECTER. Are you familiar with any case studies on the question that I just posed?

Mr. MALAMUTH. Case studies of that nature in terms of jury decisions, no, I am not.

Senator SPECTER. Not jury decisions, it would be an entire context for the case.

But all right, what is a better kind of data to establish cause and effect relationship?

Mr. MALAMUTH. Research where systematically there are control groups and experimental groups where people are exposed to different types of materials and soon thereafter or sometime later they are in various jury decisionmaking situations. As well, there are data to show——

Senator SPECTER. I do not understand. Somebody who is exposed to pornographic material and then later would be in a situation——

Mr. MALAMUTH. In a reenacted rape trial where they are serving as members of the jury but it is a reenacted rape trial, a simulated rape trial.

Senator SPECTER. All right.

In essence, to boil it down, do you know of any evidence which would establish a causal connection or a triggering of exposure to pornographic and sexual aggression, rape or sexual assault?

Mr. MALAMUTH. As I indicated, in terms of rape I do not know of individual cases where there is a direct simple connection between a person being exposed to pornographic material and it then causing them to commit a rape. I do know through interviews I have conducted with rapists, that there are cases where they see that connection. And certainly if you look at data from——

Senator SPECTER. Rapists have told you that there is a connection between their reading pornographic materials and their committing rape?

Mr. MALAMUTH. Yes.

Senator SPECTER. How many?

Mr. MALAMUTH. Pardon me?

Senator SPECTER. How many?

Mr. MALAMUTH. Well, there are data from the Commission on Pornography report that approximately—I can certainly send you the exact statistics—but approximately 25 percent of rapists believe that there was this direct connection for rapists in general. And I believe again, just estimating the statistics, about 10 percent said that in their own cases there was that link.

But I want to add, Senator, that I do not find such data convincing because I think that could often be used as a rationalization by the rapists, and I do not think that the data at this point really give us a sound basis for saying that pornography has any direct effect on criminal behavior.

Senator SPECTER. What is your professional judgment? Is there a triggering cause between pornography and sexual assaults?

Mr. MALAMUTH. At this point any opinion I would give would be pure conjecture and I would speculate that in some individual cases there could be this triggering influence.

Senator SPECTER. How about on the——

Mr. MALAMUTH. But it is pure speculation.

Senator SPECTER. How about on the issue—you say pure speculation but you are an expert, Dr. Malamuth. One man's speculation is another man's professional judgment.

We could qualify you to be an expert witness in a case which could deprive someone of his freedom for a long time, but let us not get into that.

You have answered it, we need not get to it any more.

How about the issue of exposure to pornography and molesting children? Is there a triggering factor there in your professional judgment between pedophiles who read pornographic magazines and subsequent child molestation?

Mr. MALAMUTH. I feel much more qualified to talk about data with respect to the effects on social attitudes or relations rather than on pedophiles. Again, it would be conjecture, but I certainly think the possibility exists that there would be this kind of triggering effect for some individual cases.

Senator SPECTER. So your answer is you do not have a professional judgment on that?

Mr. MALAMUTH. That is right.

Senator **Specter**. All right. Thank you very much, ladies and gentlemen.

[The prepared statement of Mr. Malamuth follows:]

PREPARED STATEMENT OF NEIL M. MALAMUTH

Mr. Chairman and Members of the Subcommittee on Juvenile Justice, it is an honor and a pleasure to be invited here today to present information on social scientific research in the area of pornography. My name is Neil M. Malamuth. I am a psychologist and Associate Professor of Communication Studies at the University of California at Los Angeles. Over several years, I have conducted research and published numerous articles regarding the effects of pornography, and in my testimony I will provide an overview of the findings of systematic empirical research in this area. However, I would like to emphasize that although my testimony is being facilitated through the offices of the American Psychological Association (APA) the statements and opinions contained herein are my own and do not necessarily represent those of the APA.

Introduction

A very large mass media industry exists throughout the world that produces sexually explicit stimuli including books, magazines, videocassettes and movies. It is generally referred to as the "pornography" or "erotica" industry. There have been numerous attempts to define pornography and to distinguish between what some consider acceptable "erotica" as opposed to unacceptable "pornography". Etymologically, pornography refers to "writings about prositutes" (porne = prostitute and graphein = to write). Attempts at definition have included those emphasizing a) the intent of the producer to elicit erotic responses from the consumer (e.g., Gould, 1977), b) the effects on the consumer, such as sexual arousal (e.g., Falwell, 1980), c) the portrayal of the characters within the stimuli, such as degrading or demeaning of women (Longino, 1980). Attempts to distinguish pornography from erotica have included those suggesting that the former portrays unequal power in sexual relations whereas the latter depicts males and females to be of equal power and in mutually consenting relations (Steinem, 1980). However, as various writers have noted (e.g., Goldstein, Kant & Hartmann, 1973) definitions and distinctions of this nature are frought with subjective elements that render scientific operational definitions difficult to construct. For the purposes of the present paper, therefore, we will eschew becoming mired in the debate regarding the definition of pornography and adopt the approach suggested by Smith (1976b) to use the terms pornography and erotica interchangeably without any pejorative meaning to refer to sexually explicit stimuli. We feel that a definition in terms of sexual explicitness more readily lends itself to operationalization since it may be based on the presence or absence of references to certain anatomical areas of the body. (e.g., breasts, penis, etc.) We recognize, at the same time, the potential for developing meaningful conceptual distinctions between "pornography" and "erotica" (Steinem, 1980).

Research Findings

In this presentation, I will provide an overview of the findings of systematic empirical research regarding the effects of pornography. There are four central questions that empirical research has addressed: 1) Does the content of pornography reflect an ideology regarding male-female relations in addition to its portrayal of nudity and sexual explicitness? 2) Does pornography change sexual responses such as sexual arousal and activities? 3) Does pornography affect social relations between males and females that relate to political/ideological roles? 4) Does pornography affect crimes such as rape? In addition, I will discuss the research on the effects of pornography on children, a subject of particular focus of these hearings.

1. Content of Pornography

There have been relatively few systematic content analyses of pornography in differing media; the generalizability of the findings is, therefore, quite limited by the paucity of research of this type. Perhaps the most thorough analysis was that of Smith (1976a, 1976b). This investigator analyzed the content of 428 "adults only" paperbacks published between 1968 and 1974 and sampled from five states. The nature of the social relations described in the books, according to Smith, was of a "machismo world" in which the most common theme was as follows:

> "The young, probably rich, sleek, cool, restrained and poised beauty, the depths of her sexual desires unstirred as yet (particularly, if married, by her husband), until Superstud arrives, who, despite her initial resistance and piteous pleas for mercy, rather quickly and relentlessly unlocks her sexual passion to take her to totally unimagined heights leaving her begging for his continued ministrations." (1976b, p. 23)

Smith (1976b, 1976b) found that 20% of the sexual episodes in these books depicted a rape, with less than 3% of the attackers meeting any negative consequences. The vast majority of such violence was by males against females. Moreover, the victim was rarely portrayed as having regrets about having been raped. The number of rapes portrayed doubled from 1968 to 1974.

Malamuth & Spinner (1980) conducted a content analysis that focused on the frequency of sexual aggression in the cartoons and pictorials of Playboy and Penthouse magazines between 1973 to 1977, inclusive. They found that on the average about 10% of the cartoons were sexually violent throughout this five year period. For pictorials, there was an increase in sexual violence from about 1% in 1973 to about 5% in 1977. Such aggression was almost exclusively directed by males against females.

In 1982, Dietz and Evans classified 1760 heterosexual pornographic magazines according to the imagery depicted on the cover, comparing the imagery depicted in 1970 to 1981. Whereas in 1970, when the pornography commission had completed its research, magazine covers depicting a woman posed alone had predominated, such imagery constituted a much smaller percentage by 1981. In contrast, bondage and domination imagery increased very markedly since 1970 and in 1981 constituted 17.2% of the magazine covers, second in frequency only to the depiction of couples in sexual activity.

Conclusions. In terms of overt violence and domination, it appears that an increasing percentage of sexually explicit media portray such themes. Further, while there have not been systematic studies specifically addressing the issue of an "ideology" of male dominance/female submission in pornography, the content analytical studies do provide some support for the assertion that such an ideology is frequently communicated. It is important that future research closely analyze additional dimensions of erotic stimuli to assess the extent to which a "sexist" ideology is portrayed as contrasted with an imagery of positive relations involving mutual respect, affection, etc.

2. Sexual Responses

In this section, I will briefly summarize research findings assessing the potential impact of pornography on changing sexual responses. A more detailed discussion is available elsewhere (Malamuth & Billings, 1984). It should be noted at this point that the research has been conducted almost exclusively with adult populations due to the ethical barriers to exposing minors to pornographic stimuli within a research context. Consequently, the ability of the data to assess the potential influence of erotica on patterns of sexual responses is limited given that the first experiences with pornography for most people takes place in adolescence (Commission on Obscenity and Pornography, 1970). Further, it may be that patterns of sexual arousal are established prior to reaching adulthood and that exposures that have profound effects in childhood may not have comparable effects later in life.

In general, the results of studies that exposed subjects to pornographic stimuli showed no long term changes in subjects' established sexual activities (e.g., Commission on Obscenity and Pornography, 1970; Ceniti & Malamuth, in press; Kutchinsky, 1978). While a number of studies found that for some subjects there were increases in various sexual activities such as discussions about sex, sexual daydreams, sexual fantasies, masturbation, and intercourse (e.g., Davis & Braucht, 1971; Mann et al., 1971, 1974), these changes were found to be short lived, generally not lasting beyond a 24 hour period. Furthermore, such changes were not found for the majority of subjects. When changes occurred, they were generally in the domain of established sexual behaviors, e.g., when an increase in masturbation or intercourse occurred, it was in subjects who were already engaging in these activities prior to participation in the research. It should be noted, however, that the sexual stimuli used in these experiments generally portrayed conventional sexual activites such as intercourse, masturbation, etc. Very few studies used nonconventional, deviant, or criminal sexual depictions such as pedophilia, incest, rape, etc., although these are quite frequently portrayed in the pornography currently available on the market.

While the research data do not generally reveal long-lasting changes in sexual responses as a function of exposure to pornography, there have been some clinical reports and research studies on the use of pornography in therapeutic settings that have suggested otherwise. For example, Wishnoff (1978) exposed women with high levels of anxiety about sex to explicit sexual movies. Compared with control groups, such exposure was found to lower sexual anxiety and increase self-reported willingness to engage in sexual behavior under appropriate circumstances.

Conclusions. Experiments that exposed subjects to pornographic materials and examined changes in arousal patterns or sexual activities have not revealed long lasting changes. In contrast, there are reports from studies focusing on the use of pornography to alleviate sexual problems that suggest that exposure to pornography has had long term effects. Additional research is clearly needed to examine this apparent contradiction and to establish the mediating conditions that may determine the nature and duration of any changes in sexual responses occurring as a function of pornography exposure.

3. Social Relations

In this section, we examine the research findings on the effects of pornography on responses associated with social relations. More specifically, we consider the extent to which exposure to erotica may affect perceptions, beliefs, attitudes and behavior relevant to male-female relations.

Sexually aggressive Stimuli. A series of studies examined the impact of exposure to stimuli that fuse sexual and aggressive elements (e.g., Malamuth, 1984; Malamuth, Haber & Feshbach, 1980; Malamuth & Check, 1980; 1981; 1983; in press; Malamuth & Donnerstein, 1982; Donnerstein, 1980, 1983; 1984; Donnerstein & Berkowitz, 1981). The data across these laboratory and field experiments support the proposition that exposure to stimuli that brigade violent and sexual content may increase males' acceptance of violence against women, beliefs in rape myths such as the belief that rape victims derive pleasure from being assaulted, and aggressive behavior as measured by the willingness to deliver unpleasant stimuli (e.g., electric shock) against a woman. Similarly, Linz, Donnerstein and Penrod (in press) recently found that exposure to several feature-length sexually aggressive films resulted not only in desensitization to media portrayals of sexual violence but also to reduced sensitivity to the plight of a rape victim. Taken as a whole, these data clearly show that under certain circumstances exposure to pornographic stimuli that fuse sexual and aggressive elements affect perceptions and behavior in socially undesirable directions. In addition, the data suggest that the message about male-female relations and/or aggression is the critical dimension that determines whether negative effects occur rather than sexual explicitness per se. However, these findings also suggest that there may be particularly potent effects of the combination of sexual and aggressive elements that exceed those found when aggressive stimuli appear in a non-sexual context (e.g., Donnerstein & Berkowitz, 1981).

Nonaggressive Sexual Stimuli. As Steinem (1978) suggests, sexually explicit stimuli that do not depict blatant aggression may nonetheless vary a great deal in their content vis à vis the messages portrayed regarding males and females and the relations between the two genders. It is this variability in content that may partially explain the contrasting findings obtained with nonaggressive sexual stimuli. On the one hand, data suggest that various types of sexually explicit stimuli, such as those that depict males and females in relations that involve equal power, mutual respect and/or loving relations, do not increase antisocial responses (e.g., Commission on Pornography, 1970) and may even reduce them (e.g., Baron & Bell, 1977; Malamuth, 1978). On the other hand, a very different effect is evident in the research of Zillmann & Bryant (1984).

This research included four exposure conditions: "massive" pornography exposure, "moderate" pornography exposure, no pornography exposure (but exposure to neutral stimuli) or no prior exposure at all. In each of the three exposure conditions subjects viewed six 8-minute films (totalling 48 minutes) per session. A session was held each week for six consecutive weeks. In the massive pornography exposure condition, subjects viewed six pornographic films per session. In the moderate pornography exposure condition, subjects viewed three pornographic fims and three nonsexual films each session. In the no-exposure condition, only nonsexual films were viewed. All of the pornographic films were sexually explicit [illegible], "hardcore") and were unedited portrayals that did not depict violent activities. The nonsexual films were chosen to be educational and entertaining.

Three weeks following the conclusion of the exposure phase of the research subjects returned to the laboratory for a final session. At that time, they estimated the frequency of various sexual practices among adults, reported their beliefs about the necessity for regulating pornography, reported the degree of their support for the women's liberation movement and recommended punishment in a mock-jury rape case. Males were also administered a scale assessing sexual callousness towards women. Results showed that exposure to massive and moderate amounts of pornography significantly increased males' and females' perceptions of the popularity of various sexual practices in society, including those of unusual sexual behavior such as sadomasochism and bestiality. In addition, exposure to pornography increased approval and support for it by both genders. Such exposure also significantly affected reactions to rape, with, for example, massively exposed subjects prescribing far less severe punishment for this crime than control subjects. Further, exposure to pornography was found to reduce support for the women's liberation movement. Finally, males exposed to massive amounts of pornography exhibited greater callousness towards women than males in the control group.

How can these findings be explained? Zillmann & Bryant (1984) point out that the pornography used in their research depicts women as socially nondiscriminating, as hysterically euphoric in response to just about any sexual or pseudosexual stimulation, and eager to accommodate seemingly any and every sexual request. Such portrayals, they suggest, may convince even females of the hyperpromiscuous, accepting nature of women. This view may affect the credibility of the rape victim. In general, the authors suggest that "...massive exposure to pornography appears to contribute to beliefs about sexual desire and sexual conduct that are not conducive to respect for the opposite (or the same) sex." (pp. 134-135)

While it is crucial that future studies attempt to replicate these findings, Zillmann & Bryant's data are potentially important in at least two respects. First, they suggest that some of the antisocial effects documented with sexually aggressive media stimuli (e.g., Malamuth & Check, 1980; 1981) may also occur with stimuli that do not directly focus on sexual coercion or violence. Secondly, the importance of cumulative effects that may not be detected with single media exposures are suggested by this study.

Conclusions. The findings show that pornographic media stimuli may affect varied responses relevant to social relations. These data by no means suggest that such effects are limited to sexually explicit materials; similar effects may occur with stimuli that are not sexually explicit. However, considerable data clearly reveal that exposure to sexually violent media affect perceptions, attitudes, beliefs in a manner that may contribute to a cultural climate that is more accepting of actual violence against women. Moreover, the data suggest that exposure to violent pornography may increase males' laboratory aggression. Considerable caution must be excercised, however, in generalizing directly from such aggression to violence in nonlaboratory settings.

Recent data suggest that some of the negative effects of exposure to certain types of pornography (e.g., trivialization of rape) may not be limited to stimuli that are clearly violent but may also occur with nonviolent erotic portrayals such as those portraying women as insatiable nondiscriminating sexual creatures. It is also apparent that exposure to various forms of sexually explicit stimuli, such as those portraying men and women in roles that involve equal power, mutual respect, and loving relationships, do not increase antisocial responses and may indeed reduce them.

4. Criminal Behavior

In a national survey of American adults, Abelson, Cohen, Heaton & Slider (1970) found that close to half of the respondents believed that pornography is one of the causes of rape. To examine this possibility with empirical research, we consider two types of approaches: 1) Correlational studies assessing a possible relationship between the availability and/or consumption of pornography in differing areas and the rates of sex crimes in these places; and 2) retrospective studies comparing rapists' and control groups' exposure to pornography. For a discussion of the limitations of such methods, the reader is referred to Nelson (1982) and to Court (1984).

Before evaluating the research, we would like to point out that in examining the possible relationship between pornography consumption and crime the focus is on deviant behavior, i.e. behavior that is not socially sanctioned. To the extent that pornography may be a manifestation of beliefs and "scripts" portraying a widely accepted cultural ideology, effects may be more likely in culturally sanctioned behavior rather than in deviant responses (e.g., if pornography portrays an ideology of male dominance over women, effects may occur in culturally accepted expressions of such an ideology rather than in criminal behavior).

We now turn to examine data in each of these two areas.

Sex Crimes. Studies examining a possible relationship between the consumption of pornography and sex crimes have generally used one of two approaches: One has been to assess whether changes in the availability of pornography were associated with corresponding changes in the rate of sex crimes. The second approach has been to compare different countries and/or states to determine whether there is a correlation between the amount of pornography consumed and the rate of sex crimes. Some studies used a combination of these two approaches (e.g., Court, 1984).

As part of the research of the commission, a number of studies analyzed the relation between changes in laws regulating the availability of pornography and the frequency of sex crimes. Some of these studies focused on Denmark. In the 1960's the Danish government gradually relaxed restrictions on the sale of pornography that eliminated all restrictions on sales of pornographic books in 1967 and on all other erotic media in 1969. Using Copenhagen police statistics, investigators (e.g., Ben-Veniste, 1970; Kutchinsky, 1973) reported a reduction in the number of sex offenses occurring at the time restrictions on pornography were lifted. Closer examination of the data suggested that these reductions reflected real decreases in some sex crimes such as voyerism but in other crimes the changes appear to be best explained by society's increasing tolerance for sexual activities such as homosexuality (Kutchinsky, 1973, Court, 1984). It is clear, however, that there was no reduction in the occurrence of rape. Conflicting data have been reported with some studies suggesting no change in rape rates following the liberalization of pornography laws while other studies suggest some minor increases in this violent crime (Bachy, 1976; Court, 1984; Kutchinsky, 1978).

In an analysis of sex crimes in the United States, Kupperstein and Wilcox (1970) examined the FBI Uniform Crime Statistics from 1960 and 1969 and found an increase in that time period both in the availability of pornography and sex crimes. Although these data appear to show a correlational link, the investigators found that the rise in sex offenses did not exceed the proportional rise in other crimes. They concluded that "... for the moment, the question of the relationship between availability of erotic materials and sex crimes must remain open to further question." (p. 32)

In a recent analysis of the availability of pornography throughout the world, Court (1984) concludes that there is evidence to suggest that certain types of pornography, particularly violent pornography, contribute to the occurrence of sex crimes. A note of caution must be raised regarding this research, however, since the selection of varied countries and/or states was not made on a random basis and may reflect selection of individual examples that may or may not be representative. Further, while the data do appear to suggest some correlation between the availability of pornography and sex crimes, there does not appear to be a sufficient basis to conclude with confidence that a causal connection exists.

A study that did not select individual examples but examined all states in the United States was recently reported by Baron & Straus (1984). These investigators analyzed whether there was a relationship between rates of rape and the extent to which sex magazines are part of the popular culture of each state (i.e., magazine sales). They found that there was a strong correlation between the popularity of pornography magazines and the incidence of rape. In contrast, a much weaker correlation was obtained between sex magazine consumption and general rates of nonsexual violent crime. The correlation between pornography magazine consumption and rape rates remained statistically significant even following the partialling out of the potential contribution of various control variables. These investigators appropriately caution that such a correlation is suggestive but is not a sufficient basis for establishing a causal connection.

While various sources of data suggest that there may be some correlation between the consumption of pornography and the incidence of violent sexual crimes, there certainly also are individual examples of countries where the rate of consumption of pornography in general as well as violent pornography in particular is high but the incidence of rape is relatively low. One example has been recently discussed by Abramson & Hayashi (1984) who note the high rate of sexual violence in the Japanese media. These writers also point out that Japan has a relatively low incidence of reported rape. They suggest that a combination of factors, including the existence of strong internal constraints (e.g., a great emphasis from early childhood on not committing shameful acts) result in the low frequency of rape.

The research of Abramson and Hayashi as well as examples of countries such as Denmark should alert us to the fact that any causal connection between the availability of pornography and antisocial behavior, if one indeed exists, is bound to be a complex relationship mediated by many other factors. Considerable variability may exist in susceptibility to the influences of media stimuli such as violent pornography both among cultures and among individuals within a culture (Malamuth & Check, in press). Moreover, if certain media messages within pornography have an antisocial impact, the expression of such influences may be strongly affected by the cultural norms. For example, while Japan may have a low rate of violence within that society, it is a culture that appears to have a high degree of inequality between the genders and a history of considerable violence against other societies. While pornography is not likely to have been a major cause of such patterns, it may be conjectured that the violent nature of Japanese pornography may reflect and perpetuate sexism and other behaviors despite effective constraints against actually committing violent acts prohibited by culture.

Conclusions. Both within the United States and in comparing a number of other countries, a positive correlation has been found between greater availability and/or consumption of pornography and higher rates of rape. These data are clearly insufficient to infer any direct causal connection between these variables. In addition, there are examples of certain countries that have relatively high levels of availability of pornography and relatively low rape rates. As well, it is clear that in certain countries such as Denmark, the liberalisation of pornography laws did not result in a massive increase in the occurrence of rape, although it is also apparent that contrary to widely publicised views there was no decrease in such crimes. Nonetheless, the positive correlation found points to the need for further research addressing the hypothesis that there may be some complex causal relationship between the availability of pornography and for some people, within some cultural environments, the committing of antisocial acts.

Rapists and Pornography Exposure. A number of retrospective studies using survey-interview methods have sought to determine whether exposure to pornography may be related to deviant behavior. The general approach of these studies has been to examine whether there are differences in the amount of exposure to pornography rapists and various groups of sex deviants had in comparison to control samples. Methodological criticisms of these studies are discussed in Cline (1975) and Lederer (1980). Below we also consider the possibility that focusing on amount of exposure may be an oversimplistic approach.

The findings of these studies (e.g., Cook & Fosen, 1970; Davis & Braucht, 1973; Goldstein, Kant & Hartman, 1973; Propper, 1970; Walker, 1970) have been inconsistent with some studies suggesting that pornography exposure may indeed have contributed to the development of antisocial and deviant behaviors while others find no support for this conclusion. Indeed, some of the latter studies suggested that rapists were exposed to less pornography than control comparison groups. Rather than discussing the many differences among these varied studies, we will focus in greater detail on one of these. We will examine the research of Goldstein, Kant & Hartmann (1973). This study appears methodologically to be one of the best in this area; it is frequently cited as providing no support for the hypothesis that pornography exposure may contribute to antisocial behavior.

The findings of Goldstein et al. (1973) indicate that in general rapists reported less exposure to pornography in adolescence than the control comparison groups. However, various aspects of these data appear to indicate that the type of pornography rapists were exposed to and the degree to which they were affected by it may have differed. For example, rapists reported an earlier age of peak experience with pornography. As well, they were far more likely to have encountered pornographic photos displaying explicit sexual acts at an early age (rather than nudes), to have desired to a greater degree to imitate the activity portrayed in pornography (although less likely to have actually done it). Rapists were more likely to relate daily masturbation to thoughts of erotica, to have developed a stronger interest early in life in pornography, to have become repeatedly aroused by a particular theme and to have more feelings of frustration and guilt related to their pornography exposure than control subjects.

While Goldstein et al. (1973) did not specifically inquire about pornography that involved coercive sex themes, it is clear from their interviews that media depictions involving sexual violence (e.g., motorcycle films depicting "gang bangs") frequently became part of rapists' daydreams and fantasies. In addition, they report that 55% of the rapists (as compared to 9% of controls) used scenes from pornography in their fantasies and daydreams. In light of the content analyses reported above that reveal an increasing degree of sexual violence within erotic stimuli, it would seem likely that such depictions would affect rapists' sexual fantasies and daydreams. It may be relevant to note at this point that programs for treating rapists (e.g., Abel, Blanchard & Becker, 1976, 1978; Brownell, Hayes, & Barlow, 1977) place considerable emphasis on changing their sexually violent fantasies in modifying their antisocial behavior. This suggests that if media depictions including violent pornography, stimulate violent fantasies (Malamuth, 1981) , then for some individuals such fantasies may affect behavior. Further, the data of Schaefer & Colgan (1977), may be relevant here. This research pointed to the possible importance of masturbation as increasing the likelihood of long term effects of pornography (see also the research of McGuire, Carlisle and Young, 1965 on masturbatory conditioning). These data may be relevant to rapists' more frequent use of pornography during masturbation.

How can we account for the data that suggest that rapists had less exposure to pornography in childhood but were more affected by it? This and other studies suggest that rapists were more likely to come from home environments where education about sexuality was highly restricted and sex was generally treated as a "taboo" subject. (The relatively minimal exposure to erotica may have been a byproduct of this "taboo" attitude.) With such a background, it might well be expected that exposure to pornography would exert a relatively more powerful influence on rapists' responses since it would be a primary source of information and stimulation. Consistent with this view are the data by Fisher and Byrne (1978) suggesting that individuals with a history of restrictive sexual socialization may react more negatively to pornography but at the same time were more behaviorally affected by it.

Conclusions. While the data in this area are limited and vulnerable to varied methodological criticisms, there are some findings that indicate that rapists had less exposure to pornography than controls, although their early exposure may have involved more "hard core" materials than that of control subjects. Further, the data suggest that rapists were more likely to have been strongly affected by their exposure to pornography than controls. We might speculate that rapists' relatively restrictive sexual socialization and education may have made them more likely to be affected by pornography. To the extent that pornography does present a certain ideology about male-female relations it might be theorized that rapists' ideas about sexuality and heterosexual relations may indeed have been significantly affected by exposure to pornography. Had they had other sources of education in their childhood about sexuality and male-female relations, they might have been less likely to have been as strongly affected by pornography exposure.

5. Pornography and Children

Research on the effects of child pornography on the child participants suggests long lasting negative effects for many individuals (e.g., Burgess, 1984). However, there is very little research on the effects of exposure to pornography on children who are not used as participants either with child or adult pornography. Most of the available research consists of case studies of both criminals and noncriminals (e.g., Bergman, 1982; Donnerstein & Malamuth, 1982; Luria, 1982). While these case studies suggest that for some individuals exposure to pornography during childhood may have strong effects on sexual responses and on antisocial behavior, considerable caution needs to be used in generalizing beyond these few individual cases.

The dearth of systematic research in this area is primarily attributable to ethical considerations. It would seem very unlikely that researchers would be granted permission from Ethics Committees at universities or other research institutions to expose individuals below the age of 18 to pornographic stimuli for research purposes. Similarly, there are likely to be considerable restrictions imposed on researchers who might attempt to interview children about their experiences with pornography. It is suprising, however, that more interview research has not been conducted within the limitations of ethical considerations.

At present, therefore, the best that can be done is to extrapolate from research with adults. In light of the research reviewed above, we would suggest that exposure to pornography may have long lasting effects on some children. This suggestion is based on the evidence that exposure to pornography affects some adults' responses and considerable other data that show that children are generally more susceptible to media and other influences than are adults. It is necessary for much more research to be conducted, however, before we can have a better idea of the percentage of children who are affected and the degree of pornography's influence relative to that of other elements in the child's environment.

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Footnotes

1. The use of the term "sex crimes" to refer to violent acts such as rape may be inappropriate due to the implication that such crimes are primarily motivated by sexual needs, rather than, more appropriately, emphasizing aggressive motives. However, due to the extensive use of this phrase in the relevant literature, it will also be employed herein.

Senator SPECTER. This has been very informative. We will be pursuing a number of the topics that we have raised with you individually.

We very much appreciate your coming the long distances that you have and I think this is helpful.

Thank you very much and the hearing is adjourned—do you have a comment you want to make?

Ms. GOSCH. In reference to your last question. Two years ago in Minneapolis there was a 24-year-old man charged with rape of a 4-year-old girl. She was in his care and he stated that he was reading a Playboy magazine, became sexually aroused and then raped the child and this was the case that was tried by his own admission.

Senator SPECTER. Thank you very much, Ms. Gosch.

Thank you all very much.

[Whereupon, at 11:52 a.m., the subcommittee recessed, to reconvene subject to the call of the Chair.]

EFFECTS OF PORNOGRAPHY ON WOMEN AND CHILDREN

WEDNESDAY, SEPTEMBER 12, 1984

U.S. Senate,
Subcommittee on Juvenile Justice,
Committee on the Judiciary,
Washington, DC.

The subcommittee met, pursuant to notice, in room 192, Dirksen Senate Office Building, commencing at 9:35 a.m., Hon. Arlen Specter (chairman of the subcommittee) presiding.

Staff present: Bruce King, counsel; Scott W[illegible]ace, counsel; Tracy McGee, chief clerk; Lynda L. Nersesian, counsel, office of Senator Grassley; and Rick Holcolm, counsel, office of Senator Denton.

OPENING STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA, CHAIRMAN, SUBCOMMITTEE ON JUVENILE JUSTICE

Senator Specter. Ladies and gentlemen, we will start this hearing by the subcommittee as a continuation of a series on the question of pornography, its effect on children and its effect on women.

The activities of the subcommittee resulted in a tightening of the obscenity laws as they relate to children, a bill which was signed into law by President Reagan several months ago and we have continued a series of hearings focusing on the issue of child pornography with the revelation of the book "How To Have Sex With Children" and a consideration as to what action, if any, would be appropriate by the Congress of the United States in dealing with this subject, considering its very sensitive nature on first amendment rights.

Part of the testimony has disclosed that magazines which are readily available on newsstands in this country, magazines like Playboy and Hustler and others have cartoons and other characterizations and photographs of children which raise very serious questions about their inciting on the issue of child abuse and child molestation. And toward that end we have said that the subcommittee would be available for responses by any of the representatives of those publications and we are considering the effect of pornography of children and the effect of pornography on women.

There have been major developments in the field, with the city of Minneapolis having enacted an ordinance, subsequently vetoed by the mayor. But a similar ordinance has been enacted in Indianapolis which makes new pronouncements in the field which are worthy of exploration.

The special finding for example by the ordinance of the city of Minneapolis says that the Council finds that pornography is central in creating and maintaining the civil inequality of the sexes. Pornography is a systematic practice of exploitation and subordination based on sex, which typically harms women. The bigotry and contempt it promotes with the acts of aggression fosters and harms women's opportunities for equality of rights in employment, education, property rights, public accommodations and public services. It creates public harassment and private denigration which is certainly a very sweeping statement.

This issue which involves fundamental first amendment rights is a very sensitive one and perhaps still the most famous pronouncement on this subject was the one uttered years ago by Supreme Court Justice Oliver Wendell Holmes who in extolling the virtue of freedom of speech said that there are limitations that you cannot cry fire in a crowded theater and there are very serious issues when books are published like "How To Have Sex With Children" where those publications are on the newsstands or bookstores and tell people how they can entice children, what advances to make and how to proceed to have sex with children as to what is an appropriate response by the Congress and by law enforcement. It is a balancing matter and we seek to explore today the question of what effect pornography does have on women and what effect pornography does have on children. Obviously a response on public policy grounds turns very largely on the scope of the injury and on the scope of the damage and as is the case on constitutional issues there is a balancing of interest and there are few interests in our society more weighty than first amendment rights. But that is a matter to be explored and a number of legislative ideas have been advanced which may give a cause of action for damages. For example, it is very difficult to identify the child who is the victim of child pornography to bring that child into court for suit, although that child would have a right under common law action against a publisher publishing a pornographic book. But the issue is whether it is effective for that child to bring the action. There may be common law rights of actions on the part of women who are depicted in pornographic magazines and there are questions which we will explore here today about subjugation of women compelled to act against their will as part of the overall picture. But it is admittedly a very important subject, it is a very difficult subject, it is a very sensitive subject and we are going to proceed now to develop if we can a record on a fuller understanding and we have a very distinguished panel which will lead off today which will explore the issue as to the impact and effect of pornography and the subject of pornography, that is the children and the women.

[The prepared statement of Senator Denton follows:]

PREPARED STATEMENT OF HON. JEREMIAH DENTON, A U.S. SENATOR FROM THE STATE OF ALABAMA

Mr. Chairman, I commend you for your continued leadership in addressing the problems of juvenile justice. Specifically, I commend you for holding this hearing to examine the important issue of the effects of pornography on the people of our country.

When something we hold as precious is threatened, we come to its defense. When life and health are assaulted or endangered by disease, we seek a cure. When our good name or honor is defamed, we sue for its restoration. The same response is demanded when human dignity itself is endangered, for it is the core of our very being. The epidemic that devastates the personal and social well-being of contemporary society is called pornography. It attacks human dignity. It is imperative that we be alerted to its effects and take countermeasures to promote healing and protection.

The effects of the pornography epidemic are devastating. The outrageous pornography produced and distributed by the illegal and immoral sex industry abuses and exploits men, women, and children, those who engage in making it, those who are exposed to it, and those who are victimized by its effects on other people. It uses every means of social communication. We find it in books, magazines, tabloids, films, video cassettes, subscription television, video games, coin-operated machines, and erotic telephone messages.

Today's hearings focus on the tangible and intangible effects of pornography on the people of our country, particularly children and women. The sexual exploitation of any human being, especially those who are young and impressionable, or in a vulnerable position, is reprehensible. It is an affront to every individual and to every community that strives to maintain a decent society and to protect its citizens and their fundamental rights.

It is important that we recognize that pornography is not simply an offense against the rights of women or of children. For example, homosexual pornography is at least as offensive as heterosexual pornography, and many would believe even more so, yet it has been ignored in efforts to ban pornography only as a violation of the civil rights of women. Similarly, the children who are victimized are boys as well as girls. We do ourselves and society a disservice if we attemp to deal with the problem as if it victimizes only one specific sex or class of people. If we are to deal effectively with the problem of pornography, it is essential that we recognize that it victimizes all members of society, regardless of sex, age, race, religion, or social station.

Pornography is a vice that destroys values and contributes to the breakdown of the family. It has a negative effect on all of society—men, women and children. Although pornography is generally assumed to be produced by men and designed to appeal to men, we must recognize that pornography is also produced and sold by women and that it also appeals to women, although perhaps not so widely as it is thought to appeal to men.

I chair the Subcommittee of Family and Human Services of the Committee on Labor and Human Resources. At oversight hearings on the breakdown of the traditional family unit, and at a series of hearings on the reauthorization legislation for the Child Abuse Prevention and Treatment and Adoption Reform Act, the Subcommittee has heard testimony that documents the terrible consequences of a widespread and growing breakdown in values. The breakdown is a sensitive and complex social problem, one that is a true crisis for our country and for us as individuals, and pornography clearly contributes to it.

I believe that, through hard work and cooperation, we can find a way to reverse the errors of the past that have permitted sexual exploitation to flourish unabated. It is impossible to use people—men, women, and children—to produce sexually explicit materials, to produce pornography, without degrading and exploiting them in a fundamental, inhumane, uncivilized way, harming all of society in the process.

Mr. Chairman, I commend you for holding this hearing and I thank you for providing me the opportunity to comment on the subject that the witnesses will discuss.

Thank you, Mr. Chairman.

Senator SPECTER. We have Prof. Ann Burgess from the University of Pennsylvania School of Nursing; we have Mr. John Rabun, Deputy Director, the National Center for Missing and Exploited Children; and we have Prof. Daniel Campagna, criminal justice unit for the Appalachian State University, Boone, NC, accompanied by Mr. Donald Poffenberger, director, West Virginia Criminal Justice Institute.

We welcome you here and we thank you for coming and let us begin with you, Professor Burgess.

STATEMENTS OF A PANEL CONSISTING OF: ANN BURGESS, VAN AMERINGEN PROFESSOR OF PSYCHIATRIC-MENTAL HEALTH NURSING, UNIVERSITY OF PENNSYLVANIA SCHOOL OF NURSING; JOHN RABUN, DEPUTY DIRECTOR, THE NATIONAL CENTER FOR MISSING CHILDREN, WASHINGTON, DC; DANIEL S. CAMPAGNA, ASSISTANT PROFESSOR OF CRIMINAL JUSTICE, APPALACHIAN STATE UNIVERSITY, BOONE, NC, ACCOMPANIED BY DONALD POFFENBERGER, DIRECTOR, WEST VIRGINIA CRIMINAL JUSTICE INSTITUTE

Ms. BURGESS. Thank you. I thank you for the opportunity to present testimony relevant to the problem of the effects of pornography on children and women. I will base my testimony on two sources: First, research findings from two recent studies; and second, evaluation and treatment observations of my clinical nursing work with victims of sexual violence.

First I would like to speak to the 2-year project which was exploratory research funded by the National Center on Child Abuse and Neglect in which we worked on methodology development regarding the study of child victims, the perpetrators and the consumers of child pornography.

A summary of the findings: We did a law enforcement questionnaire that went out to 10 States and surveyed among law enforcement how frequently the agencies were investigating some aspects of child pornography, either the use of children, the sale or possession. And the important finding is that 20 percent of the agencies reported this. This now is over a period of 1978 to 1981, after the passage of the Federal statute.

The second was a postal inspection service survey in which the first cases coming into—the possibility of prosection and looked at 69 cases out of 347 that had been initiated by postal inspectors between 1978 and 1981 and analyzed those cases. And perhaps what is most interesting is the fact that all offenders were male, between the ages of 20 and 70 with the mean of 42. Twenty-one percent of the offenders, there was no information concerning previous offenses. But more interesting is that 43.5 percent who did not have any previous offense suggesting that for many individuals the offense under investigation was their first. And just employment information on some of these child pornographers, they included teacher, accountant, city official, deputy sheriff, speech therapist, pastor, railroad employee, travel agent, janitor, business owner, and photographer, a wide range, if you will, of employment for these men.

The third major finding was on sex rings as a type of child sexual abuse.

Previously much of the research had looked at family member type of abuse of children. This particular research looked at nonfamily members and we identified three types of rings, what we call the solo ring in which one offender with multiple children. We looked at what we called syndicated rings in which there were multiple adults that sexually abused the children and used the children in pornography. And the third type which was transitional rings in which the children were being transferred, if you will, between the solo and the syndicated.

We looked at 66 children indepth from these rings and the important findings from that particular analysis of data showed that the entrance into a sex ring introduces children into an elaborate socialization process which not only bind children in the ring but locks them into the learned patterns of behavior. This explains in part why children do not reveal their involvement to parents and authority and why it is so difficult to leave. The longer the child is in the ring, the more group deviant behavior is locked into normative accepted value patterns for the child. I think this is what is so important, that the process become normalized. The children begin to see the behavior as OK behavior. The adult tells the children that is OK to have sex with adults and to have sex within the group.

The sexual abuse of the children is compounded by the adult support of this sexual abuse and encouraging the children to act out among each other. And there is a real pecking order within the group where the older, stronger children harass and abuse the smaller, weaker and more vulnerable members of the group. The introduction of pornography further links the child in the group and its lucrative outcome is a powerful reinforcement to the group as well as an important dimension in underscoring the consequences of betrayal to the group. The posing, teaching, and mentor activities of the adult further reinforce attachment to the group by appealing to the child's need for attention, approval, and affection. The use of alcohol and drugs, which is part of the group, plus promises of extra money for the pictures themselves entice the child. The child is bound by seemingly good as well as fearful and negative forces.

The data on the—we looked at the 66 children and placed them in the categories in terms of response and the 4 patterns I think are important to identify.

One is that there were about 25 percent of the children integrated, the experience, they were able to what we feel integrate the traumatic event.

Another 25 percent were what we call avoidants. They could not talk about it, they could not remember they were cloudy on it, they had little recall.

A third type were still symptomatic. They clearly had a chronic pattern, if you will, post-traumatic stress response, if you want a clinical term. But they clearly were still very troubled. This is now 2 years following the closing of the ring.

And the fourth category, we had 25 percent of the children already by the age of 16 had identified and were behaving aggressively toward other people, usually younger siblings or other children.

So that we really began to see the dynamics of what is called identification with the aggressor.

The second study I just wish to cite is one, one statistic that is related to pornography and this is a study on the research on sexual homicide in which 36 serial murderers were interviewed by FBI agents. This is a grant funded by the National Institute of Justice and one of the questions on the study asks about the murderer's sexual interests, if you will, and there is a long list. There are 13 items that can be checked. The one that had the highest, 81 percent was their interest in pornography. Just to give you the four highest items, pornography had 81 percent, compulsive masturbation 79 percent, fetishism 72 percent, and voyeurism 71 percent.

As this table indicates, pornography is the highest ranking item for these murders. Interesting to note from the following quote from one of the murderers to the question on his interest in pornography was his identification of a pornographic magazine and its availability in the prison. He also acknowledges his conscious intent not to read it. He said, "I look at Playboy once in a while in here. They have all that stuff in here. I only look at them occasionally. I keep my mind off that. They got cable TV in here now."

My recommendations are in three areas. One, services to child victims. There is a pressing need for services to be available to children and their families following disclosure of sexual victimization.

I should point out that the only reason we saw the children that we did in our particular study is that law enforcement cooperated with us and referred the children for services. It was our experience that the children who profited from the crisis counseling are those in which law enforcement recommended or actively made a referral for the family either through a victim assistance program with the district attorney's office, whatever their local aids were. The cooperation between law enforcement, social services, and mental health agencies is the key to successful intervention with child victims.

The second recommendation is in the area of research efforts. There needs to be continued research efforts studying a wide range of effects of pornography on various populations, especially in light of the social changes that have occurred over the past two decades. There is little in the way of longitudinal study of the effects of sexual exploitation on children and studies.

Education of professionals is my third area of recommendations. The various professional groups need updated information on the sexual victimization of children, adolescents, and adults. Training money should be available in order that needed services can be provided.

I have one recommendation for the financing of services. I recommend that an excise tax be placed on the sale of pornographic materials, which include soft porn and hard porn films, videos, newspapers, and detective magazines, similar to the gasoline tax which is used for the repair of our highways.

I would suggest the tax money be used for the repair of our children's minds and bodies after being used sexually and for pornographic purposes.

I would just like to cite, if you would like, unfortunately only from 1981, by the top 10 magazines in terms of revenue were identified in the San Francisco Chronicle as follows:

The fifth was Playboy, making $199 million.

Penthouse was 10th, making $161 million.

Then it also gave a breakdown on newsstand revenue and when you went to newsstand revenue, Playboy was $91 million and Hustler was $53 million and Penthouse was $129 million, a lot of money, that if there were some moneys that were perhaps allocated as much as we have for cigarette tax or whatever, that money could be used for services for children and adults.

Also I think the other area that might be looked into is that certainly, as I understand, magazines have the right to use book rates, they have a reduced rate to mail these magazines through the mail. And perhaps there could be first class or something like that that could at least put the revenue issue increase if indeed they are making this much profit from a type of activity that very clearly is of major, major impact on our children.

Thank you.

[The prepared statement of Ms. Burgess follows:]

PREPARED STATEMENT OF ANN BURGESS

I thank you very much for the opportunity to present testimony relevent to the problem of the effects of pornography on children and women. I will base my testimony on two sources: (1) research findings from two recent studies, and (2) evaluation and treatment observations of my clinical nursing work with victims of sexual violence. I have prepared my testimony in three sections: (1) background and major findings of the research project on the use of children in pornography, (2) background and findings of the research project on sexual homicides, and (3) recommendations.

I Research on the Use of Children in Pornography (funded by the National Center on Child Abuse and Neglect)

This two year project was exploratory research focusing on methodology development regarding the study of the child victims, the perpetrators and the consumers of child pornography. The project was designed as a first step toward increasing recognition and understanding of the problem of the use of children in pornography. The project constituted a field-initiated model and utilized consultants from various geographic areas to develop a task force. There were federal agencies represented (customs, postal and FBI), mental health, social service, law enforcement,prosecution and defense, clergy, educators and the lay public. All consultants had first hand experience with either victims or offenders.

Several major areas of inquiry were addressed by the project:

1. Law Enforcement Questionnaire on Extent of the Problem of Child Pornography, Prostitution and Sexual Abuse

A questionnaire was developed to measure the extent, interrelation and involvement of children in pornography, prostitution and sexual assaults, and also to measure the attitudes of law enforcement agents regarding the seriousness of these crimes and appropriate treatment of adult criminals involved in them. Ten states agreed to participate (Illinois, Indiana, Iowa, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Maryland and South Carolina) and the response to the questionnaire ranged from 21% for the Northeast (191 agencies responding out of a total of 909) to 59.5% responding for Indiana (238 agencies responding out of a total of 400). All regions had approximately the same percentage of agencies who had investigated at least one aspect of child pornography (e.g., use of children, sale or possession) . This percentage is about 20% of the agencies

2. Postal Inspection Service Survey

A survey was designed that dealt with three components of a prosecuted case: a profile of the offender, the prosecution process, and the particular aspects of theoffense relating to the children involved and the type of pornography. Data were obtained from sixty-nine cases, all the available completed cases from the passage of the federal statute to the end of 1981, although it was estimated that postal inspectors had initiated 347 investigations of suspected dealers between October 1978 and June 1981. Thus the entire population was analyzed.

Offender profile: The geographic distribution of the cases revealed that about half of the offenders were involved in offenses in the Northeast; the midwest was next with 27.5% and the west coast followed with 17.4%; both the southeast and wouthwest each had only 2.9% of the offenders.

All offenders were male and their age ranged from 20 to 70 with the mean age 42.9. For 21.7% of the offenders, there was no information concerning previous offenses. More interesting is the 43.5% who did not have any previous offense suggesting that for many individuals the offense under investigation was their first. Employment information was available on 61 offenders and a sample of job titles include: teacher, accountant, city official, deputy sheriff, speech therapist, pastor, railroad employee, travel agent, janitor, business owner, and photographer.

In reviewing data on the charge at time of arrest (specific statute, state or federal) and the charge at time of sentencing, a substantial number of changes were noted. In 37.7% there was agreement from original charge to charge at sentencing and in 25% the charge was changed usually to a less serious charge than the original. In 84.1% the court decision was guilty and in 15.9% there was an other than guilty finding. Only 31.9% were given jail sentences; 53.6% were given probation; 8.7% cases were dismissed. The median sentence was three years; all cases except one (39 years) were less than 10 years. Thus, the mean sentence excluding the one for 39 years was 4.3 years which generally meant the offender served one-third of that time.

3. Sex Rings as a Type of Child Sexual Abuse

Project consultants were asked to review their files for completed cases involving one or more adults who were known to be simultaneously involved sexually with several child or adolescent victims. Single-offender cases were excluded. Out of 55 rings identified, 54 were classified as follows:

Solo sex rings: Thiry-one (56.4%) were classified as a first level solo ring. The defining characteristics of this ring are: (1) the offender occupies a position of authority and familiarity with the children, and (2) the children know each other and are aware of each other's involvement in sexual acts with the offender. The adult capitalizes on this legitimate role in the lives of these children to recruit them into his illegal behavior. The children become programmed by the adult to provide sexual services in exchange for a variety of psychological, social, monetary and other rewards. The organization of the ring is primarily by age of the children; e.g., toddlers (age 2-5); pre-pubescent (6-12), or pubescent (13-16). In these rings, the adult gains access to the children initially through use of his or her occupation or official association wiht children, through another child or through the adult's neighborhood.

Transition rings: Six or 10.9% of the cases were classified as transitional rings. Although pedophilia is a sex offense in all states, there is a strong need among pedophiles to communicate with each other in the spirit of commaraderie regarding their interest in children. In transition rings, the offender begins to exchange photographs and/or the children to other pedophiles. There may be several reasons for this type of ring in addition to the communication network mechanism. As the child from a solo ring grows up, the adult is no longer interested sexually and thus tests the child for the adolescent-type rings which include prostitution, e.g., where money is the exchange between the adult and the youth.

Syndicated rings: Seventeen or 30.9% of the rings were classified as syndicated. This third type of ring involves a well structured organization that has been formed by the adults involved in the recruitment of children for sex, the production of pornography, the delivery of direct sexual services, and the establishment of an extensive network of customers. The number of adults operating the rings ranged from two to nine and the major access of adults to children was through an adult association.

A common feature in all rings was the use, by the adult, of adult and/or child pornography as a technique to normalize that adult-child sex was "OK" or to demonstrate what the child was to model either for pictures or for sexual activity.

4. Psychological, cognitive, social and behavioral impact on children who are used in sex rings and/or pornography

A study of 66 children and adolescents exploited by adults through sex rings and pornography shows that three-fourths of the victims demonstrated patterns of negative psychological and social adjustment after the rings were exposed. More than 61% of the victims had been ring members for more than a year and slightly more than half of the victims had been used in pornographic photographs. Victims who integrated the exploitation were those who had spent the least amount of time in the ring and who were least likely to have been involved in pornography. Boys were the sexual preference of many adult male ringleaders. The following were important descriptive findings of this study.

a. Entrance into a sex ring introduces children to an elaborate socialization process which not only binds children in the ring but locks them into patterns of learned behaviors. This explains, in part, why children do not reveal their involvement to parents and authority and why it is so difficult to leave. The group dynamics see the leader utilizing a peer network that forces a pattern of adaptation which perpetuates aggressive and sadistic behaviors. The longer the child is in the ring, the more the group deviant behavior is locked into a normative, accepted value pattern for the child. Children in rings less than a year had no one identifying with the exploiter, but those in rings more than a year and with pornography fall into the pattern of identific ation with the exploiter.

b. The sexual abuse of the children by the adult is compounded by the adult support of the sexual abuse of the children with each other. The adult acts as the benevolent and uses the group members against each other encouraging them to act out and vicariously enjoying the peer sadism. There is a pecking order within the group and the older, stronger children harass and abuse the smaller, weaker and more vulnerable members of the group.

c. The introduction of pornography further links the child in the group and its lucrative outcome is a powerful reinforcement to the group as well as an important dimension in underscoring the consequences to betrayal of the group. It also adds a peculiar dimension by providing a special attention. The dimensions of modeling for the pictures is especially important. The posing, teaching and mentor activities of the adult further reinforce attachment to the group by appealing to the child's need for attention, approval and affection. Use of alcohol and drugs plus promises of extra money for the pictures themselves entice the child. The child is bound by seemingly good as well as fearful and negative forces.

d. The "business" enterprise locks the child in the group. This not only increases the demand for secrecy but increases the price for any member who dares betray the group. The chlidren begin to further feed on each other. Extortion is increased now that each has resources. Pressure is reduced when a member can bring in a new child. It was not unusual for siblings to bring their younger siblings into the ring (20/62 or 32%).

e. Focus on the cognitive development of the children in response to the sex ring events reveal patterns of belief which when adopted integrate the exploitation through distorted processes of justification. These value patterns are the result of an active inculcation of group behavior and beliefs maintained for social and psychological survival two years after disclosure. The post-disclosure cognitive patterns continue as presuppositions that the victim is to be blamed and deviant behavior is justified. Dimensions of the total experience which cannot be consciously mediated by these cognitions are handled by dissociation, repression and denial.

In summary for those children who remain in the ring, but upon disclosure manifest internalizing processes marked by anxiety, depression, guilt and social withdrawal, the struggle for recovery requires a tremendous amount of working through of experiences beyond the pale of the issues of early sexual arousal and abuse. The outcome stress patterns are less clearly predictive. There is some indication that this group continues to be victimized and abused.

For those youth who manifested externalizing processes, serious acting out behaviors have been documented: five children had repeated a similar act on a younger child (vaginal insertion of an object; sodomizing a younger brother; urinating on a classmate) and six male youths have been convicted of felony crimes (serious assault and battery; breaking and entering; armed robbery; rape); three are known to be pimping and two are involved in such group organizations as the neo-nazi party.

The data suggests that a child's involvement represents much more than a sexual triumph for the adult. Money and heightened emotional arousal is obtained throught the unchallenged power positon easily held and easily sustained by the adult at the expense of the chlid.

II Research on Sexual Homicide (funded by National Institute of Justice)

This two year research project is in the final report writing phase and I wish to cite one statistic related to pornography. The purpose of this study has been to study in-depth convicted murderers who have committed a sex-related homicide. FBI agents from the Behavioral Science Unit at the FBI Academy conducted the 36 interviews. One area studied of the backgrounds of these men was the subject's sexual acts and interests. There were 13 items related to this category and of special note were responses that ranked over 70%. These items included:

pornography	81%
compulsive masturbation . . .	79%
fetishism	72%
peeping (voyeurism)	71%

As this table indicates, pornography is the highest ranking item for these offenders. Interesting to note from the following quote from one murderer to the question of his interest in pornography was his identification of a pornographic magazine and of its availablility in the prison. He also acknowledges his conscious intent not to read it: "I look at Playboy once in a while. They have all that stuff in here. I only look at them occasionally. I keep my mind off that. They got cable TV in here now."

III Recommendations

My recommendations are in three areas:

1. Services to Child Victims

There is a pressing need for services to be available to children and their families following disclosure of sexual victimization. It was our experience that the children who profited best from crisis counseling programs were those where law enforcement recommended or actively made a referral for the family (e.g., through a victim assistance program with the district attorney's office). The collaboration between law enforcement, social service and mental health agencies is key to the successful intervention with child victims.

2. Research Efforts

There needs to be continued research efforts studying a wide range of effects of pornography on various populations, especially in light of social changes that have occurred over the past two decades. There is little in the way of longitudinal study of the effects of sexual exploitation on children and studies need to be encouraged.

3. Education of Professionals

The various professional groups need updated information on the sexual victimization of children, adolescents and adults. Training monies should be available in order that needed services can be provided.

I have one recommendation for the financing of services. I recommend an excise tax be placed on the sale of pornographic materials (which include soft porn and hard porn magazines. films, videos, newspapers, etc. and detective magazines) similar to the gasoline tax which is used for the repair of our highways. I would suggest the tax money be used for the repair of children's minds and bodies after being used sexually and for pornographic purposes.

Citations of Studies:

D'Agostino, RB; AW Burgess et al: Investigation of Sex Crimes Against Children: A Survey of Ten States, The Police Chief 51 (2) February 1984: 37-41

Burgess, AW; CR Hartman, MP McCausland, P Powers: Response Patterns in Children and Adolescents Exploited in Sex Rings and Pornography, Am J Psychiatry 141 (May 1984: 656-662

Burgess, AW (Ed) Child Pornography and Sex Rings (Lexington, MA: D. C. Heath Co., 1984)

Senator SPECTER. Thank you very much, Professor Burgess.

I will defer the questions until we hear from everybody.

We have the pattern, as you have been told in advance, of trying to limit the opening testimony to 5 minutes each. Your full statements will be made a part of the record. We would like to proceed on that format, leaving the maximum amount of time for questions and answers.

Welcome, Mr. Rabun. We thank you for joining us, and look forward to your testimony.

STATEMENT OF JOHN RABUN

Mr. RABUN. Thank you, Senator.

There are three major points I would like to share with this subcommittee.

The first being that over the last 4 years, when I was managing the exploited and missing child unit in Jefferson County, which is Louisville, KY, we investigated 1,400 cases of suspected child exploitation.

One of the things that became preeminent in what we found in these cases, because we tried to heavily research each one of them in combined effort with the area universities, was that all, that is 100 percent of the arrested pedophiles, child pornographers, pimps, what have you, all of these in effect child molesters had in their possession at the time of arrest, adult pornography ranging from what is in the literature typically referred to as soft pornography, such as Playboy, on up to harder, such as Hustler, and et cetera, et cetera.

Now, that in and of itself, is not perhaps all that notable until you also apply what we found from interviewing all of their child victims. It became rather obvious, even to the casual observer, that there were four prime reasons for these child molesters to have in their possession adult type pornography. One obvious reason was for their own sexual arousal. Another, particularly for the pedophiles, was a form of self-validation, "it is OK because I see it in other places. It must be all right, it is published nationally," that kind of a mind set.

The last two areas, though, I think are much more disturbing, at least for the welfare of children in this country. They were for the extortion, and I use that word advisedly, of the child victims, or for that matter, of other adults; and then lastly, for the deliberate and planned lowering of the child's inhibitions, that would ordinarily prevent the child from engaging in such types of sexual activity with an adult.

The scenario, usually went something like the adult presenting them pictures in decent magazines, Redbook, Ladies Home Journal, Reader's Digest, whatever. Just simply showing them pictures of children, adult women who are fully clothed appropriately, in manners and dress, what have you; and then progressing to something in the form or fashion of Playboy, where you had partial or full nudity going on, up until something like Penthouse and Hustler, where you had full nudity to full exhibition, to actual sex acts themselves, all of which was done over a long period of time. Given that these pedophiles have access to children over a period of time,

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it is a general planned, methodical wearing down of the inhibitions that the parents have normally instilled in their own children.

Another fact that we came up with these 1,400 cases, is that it seemed to us if we are ever going to begin to prevent children from becoming sexually exploited, we have to determine when they become sexually exploited, not just who the children are, but when does it happen.

What we found was that in excess of 85 percent of the children who became sexually exploited outside of their own families with the event happening when they were missing from their own homes.

Put another way, of the entire—depending on which Federal statistic you want to use, 1.2 to 1.8 million missing children a year—fully 10 percent of that population becomes sexually exploited yearly.

Now, one of the things Dr. Burgess did not cover, but she has in some of her other research, that is a cyclical kind of a predator crime. It is not a matter of a child one time becoming preyed upon by an adult. In fact, what usually happens is that the child continues to be preyed upon, either by that one adult, or by other adults, as when Ann talked about the syndicated child sex ring.

We we have got an ongoing proposition of exploitation, not simply one that happens one time, albeit that would be bad enough. In effect, then what I am describing is what we call a cycle of violence. The cycle beginning, we feel, in child abuse or neglect within the family of the child, progresses to the child either running away, becoming voluntarily missing, is abducted, whatever, but nonetheless, is missing from lawful caring adult supervision, of usually the parent or the guardian. During that period of being missing, of being under adult supervision of an unlawful variety, the child becomes sexually exploited outside of the family.

Usually the child extracts him or herself from that, or the local law enforcement authorities extract the child from that. But we are now beginning to find that during the thirties, maybe early forties, we are getting now an expression on the part of adults of, "Gee, you know that happened to me way back when, and I never told anybody."

The important fact in the sense of treatment is that the adult has never dealt with that trauma. What we are then finding is an almost inevitable and complete lack of the adult being able to trust systems, and in fact, being able to trust other adults.

That, in my way of thinking, is the beginning of a form of social anomie, certainly a form of adults who have been preyed upon as a child, not being able to trust what we normally refer to in law enforcement as law and order. The very system that keeps us from each other's throats.

I think the projection of that is alarming, but nonetheless, it needs to be recognized for what it is. Child pornography, we feel, from the law enforcement point of view, is probably the most deleterious thing that can happen to a child, because it is used as an excrutiating form of control, from the adult over the child, a form of control that the child finds almost impossible to talk about without long-term contact with professionals, and with law enforcement professionals.

My one recommendation to you today, Senator, would be that as Dr. Burgess has already said, that we need to get on within the justice system with sound professional education and training, both of our law enforcement colleagues and our social service colleagues have got to learn if we are going to protect these children we have got to work together.

I think the bill which you have cosponsored, the Missing Child Assistance Act, is probably the most significant beginning along that avenue of educating our professional resources.

Thank you.

[The prepared statement of Mr. Rabun follows:]

PREPARED STATEMENT OF JOHN RABUN

The Louisville Experience:

In March, 1980, Jefferson County (Kentucky) Judge/Executive Mitch McConnell created a multi-agency Task Force to combat child sexual exploitation. The Louisville-Jefferson County Exploited and Missing Child Unit was founded in late June, 1980, by John Rabun with the avid support of Ernest E. Allen, Chairman of the Task Force, as a specialized investigatory unit and staffing for the Task Force. It included 3 city police officers, 2 county police officers, 4 senior social work investigators, and 1 secretary. Mr. Rabun, an investigatory social worker, was appointed as the E.M.C.U. Program Manager; Lieut. William Spaulding, a criminal intelligence commander, was appointed as the senior law enforcement supervisor; and Professor J. Kerry Rice, of the Kent School of Social Work, University of Louisville, was appointed as special advisor/consultant. This police/social work Team was the first in the nation created to provide detection, investigation, and protective services on behalf of youth as well as apprehension and prosecutory services against adults criminally exploiting children through prostitution, pornography, or child-sex-rings in the Louisville SMSA.

From July, 1980, through February, 1984, the police/social work Team of the E.M.C.U. investigated about 1,400 cases of children suspected of being victims of sexual exploitation. 54% (756) of the children were found to be victims and an additional 31% (431) of the children were considered probable victims although lacking sufficient proof for court proceedings.

During this time period, the E.M.C.U. prosecuted hundreds of adults for various crimes involving the sexual exploitation of children. Over 40 major cases involved the successful prosecution of adults involved with over 12 children each. In one particular case, investigators thought there were up to 320 child victims. At the time of arrest of and/or service of search warrants, ALL of these adult predators were found with various forms of adult pornography and in most cases child nudes and/or child pornography. Over 4 years, the E.M.C.U. Team learned to expect to always find adult pornography as such was used by the adult offenders for their own sexual arousal, for self validation of their own sexual deviation(s), for extortion of child victims or other adults, and for the deliberate and planned lowering of inhibitions of child victims. Any behavior on the part of criminals that appears consistently and universally must be recognized as having high predictive and preventative value for law enforcement and legislation.

Simply put, the E.M.C.U. staff believed that even though the E.M.C.U. was reputed to be the national model of investigations in sexually exploited children by the end of the third year of work, such was only to demonstrate an effective "ambulance service at the base of the cliffs." Many national publications featured articles on the E.M.C.U. efforts to stop child sexual exploitation. (c.f.: "CHILD PROSTITUTION: How It Can Be Stopped," by John G. Hubbell, *Reader's Digest*, June, 1984, pp. 201-208, Pleasantville, NY; and, "Curbing the Exploitation of Children," *Practice Digest*, Vol. 6, No. 2, Autumn, 1983, National Association of Social Workers, Albany, NY.) Now, the decision was obvious. As a *proactive* effort for the early intervention in this cycle of sexual exploitation, the E.M.C.U. Team began handling all missing child cases in Jefferson County, Kentucky, in January, 1983. Now, the E.M.C.U. would also begin to "build fences at the tops of the cliffs."

The data developed on the first 830 missing children indicated that approximately 10% of the missing child population became exploited while missing. Data further indicated that up to 85% of the commercially exploited children were missing at the time of the exploitation offense. Using a set of "Unusual Circumstances" indicators as a tool to screen higher at-risk missing children, some 54% of the total missing fell into the categories as did almost all of the exploited-while-missing children. Thus, the beginnings of a profile/risk tool for other missing children's units around the nation was demonstrated effective and useful.

> "Unusual Circumstances" included but were not limited to any of the following circumstances/conditions wherein the responding Patrol Officer had reasonable suspicion that:
>
> 1. The missing youth is 10 years of age or younger;
> 2. The missing youth is believed to be out of the Louisville regional area (Louisville SMSA);
> 3. The missing youth is mentally incapacitated;
> 4. The missing youth is drug dependent (including prescribed medication and/or "users habit");
> 5. The missing youth is a potential victim of foul play, sexual exploitation, or is in a dangerous environment;
> 6. The missing youth has been absent from home for more than 24 hours *before being reported to the police*;
> 7. The missing youth is believed to be with adults who endanger the welfare of the minor.
>
> There is NO waiting period before taking a missing child report nor for entrance of same into N.C.I.C..
>
> Further, only 2% of the exploited children ever used the local shelter

house facilities for "runaways" (voluntarily missings) whether in Louisville or elsewhere. Nationally, only 5% do so leading one to disabuse the notion that children who are missing have viable resources for their safety which are considered attractive by those children while they are at great risk.

The cycle of violence now appears as beginning with child abuse within the family, extends to missing child episodes which present the arena for exploitation, and with maturation easily plays into the child-now-adult becoming the abuser and/or exploiter.

The E.M.C.U. handling of missing child cases functioned as an "early warning system" for cases needing child protective services, counseling, or law enforcement services - all of which are vital for the successful detection investigation, and prosecution of adults in child sexual exploitation. Information gained through interviews, always both investigatory and therapeutic in nature, kept Team members very much aware of street activity, identified havens for missing youth, and allowed Team members to "burn bridges" to hazardous environments and endangering adults before the child could become sexually exploited. New investigatory techniques and methodologies were developed and refined with an absolute ethic (and policy) that youth were NEVER to be used in any endangering capacity nor allowed to "volunteer" to do so to further an investigation.

The E.M.C.U. provided voluntary consultation and training for the creation and staffing for similar interdisciplinary units in Anchorage, Alaska, Birmingham, Alabama, Charlestown, West Virginia, and Lexington, Kentucky.

For further information about the E.M.C.U., please refer to "Combating Child Pornography and Prostitution: One County's Approach," John Rabun, Child Pornography and Sex Rings. Dr. Ann Wolbert Burgess, editor, Lexington Books, D.C. Heath and Co., 1984, or write for a copy of "The Final Report of the Kentucky Task Force on Exploited and Missing Children" (9/83, as revised 6/84), c/o Jefferson County Judge/Executive Mitch McConnell, County Courthouse, Louisville, KY 40202 or call 502-581-6161.

In April, 1984, Mr. Rabun joined the new National Center for Missing and Exploited Children as the Deputy Director. He directly manages the Exploited and Missing Children Divisions providing technical assistance to parents, law enforcement, and community organizations and operating a toll-free 800 telephone hotline for sightings of missing children nationwide. Also joining the National Center staff as a Technical Advisor was Ms. Margarete A. Sanders, the original social work investigator of the E.M.C.U.. The technical knowledge and expertise gained through the E.M.C.U. experience is now being shared via training of and technical assistance to law enforcement nationwide.

Senator **Specter**. Thank you very much, Mr. Rabun.

We will now turn to Professor Campagna.

STATEMENT OF DANIEL S. CAMPAGNA

Mr. **Campagna**. Thank you, Senator. It is a pleasure to be here today to discuss briefly the problem of child pornography.

This is the first you have seen of us. My colleague, on my right, Donald Poffenberger, and I, approximately 2½ years ago, began an investigation into the sexual exploitation of children throughout the United States. We focused on the principal areas of child sexual exploitation, pornography, prostitution, sex rings, pedophilia, runaways, pimps, and missing children.

What I would like to do within this space of a few minutes is summarize what I think are some of our principal findings regarding child pornography.

We recognize, through our informants, through our field surveillance studies of sex trade in children, through interviews with pimps, child pornographers and child killers, and the children themselves, who have been used in pornography, that there are four basic markets. The international market, the national market, which operates and produces material throughout the United States, Canada, and Mexico; the free lance pornographer, who signs a legal, but I am not sure necessarily binding agreement, with the parents which in effect the parents sign their children over to the pornographer.

He takes the photographs, in essence, and sells them. Last is the pedophile, who produces has his own private collection. Our research was pragmatic, in that our focus was on the victims and their exploiters, rather than theoretical, and to that end we sent out a survey to 1,315 police departments in all 50 States. We got a response rate of approximately 48 percent, which translates into 596 surveys.

We asked them to respond to four issues: Child prostitution, child pornography, missing children, and runaways. Of these 596 responses from 50 States, 81 departments, police departments, stated that child pornography was available commercially, either under the counter or through private referrals, in their particular city.

One of the questions asked in the survey was approximately the number of arrests made of child pornographers since 1980. To that, 164 departments claimed to have made arrests, ranging from one to a dozen arrests per city of child pornographers since 1980.

What we found in our very quiet, private research over these years has been the extraordinary lack of hard information as to what is going on in the streets. We think that this lack of practical knowledge is probably the greatest pitfall in understanding child pornography, the lack of hard information.

Time and again we ran into authorities, if you call them that, who had traveled no further than their front door to discuss child pornography, had never spent any time trying to track down children who had been involved in pornographic productions, sex rings, and so forth, who had never investigated, for example, the fact that children are shuttled from house to house to work in bordellos.

The major problems as we recognized them, therefore, is, one, the lack of training, basic training and information. Two, child pornography, quite obviously, does not receive priority within State or Federal Governments. Property crimes still rate a high, much greater priority, than the uniform crime reports.

Third, there are the traditional disputes within law enforcement over jurisdiction, lines of authority, sharing of information.

And, fourth, there is certainly, as Dr. Burgess and John Rabun pointed out, no national agenda to address these issues.

What we feel in the way of recommendations would help to overcome some of these obstacles would be either a national, or several national conferences, on sexual exploitation of children, to identify the number of what we call fadeaway kids, lost to us every year.

Second, and I cannot emphasize this enough, workshops, training courses, training seminars, with a focus on social service information, and investigative techniques and skills, improving of, and so on.

And, last, and I am sure Don will agree, we certainly do not know how to do this, or have any suggestions along this line, to establish some mechanism whereby the Federal Government and the State governments will agree on the definition of child pornography, and agree to the exchange of resources, of hard information.

One final point, Senator, before I close, is that if future legislation takes into consideration different penalties for child pornographers, we have spoken with dozens of these people, and they made it quite clear that their preference, if faced with stiffer penalties in legislation, would be to murder the child and elminate a key witness. The Senate and the Congress may inadvertently place these children in additional jeopardy.

Thank you very much.

[The prepared statement of Mr. Campagna follows:]

PREPARED STATEMENT OF DANIEL S. CAMPAGNA

We are grateful for the opportunity to testify before this Senate subcommittee on the pressing issue of child pornography. Approximately 2 1/2 years ago, my colleague, Donald Poffenberger, and I began an investigation of the sexual traffic in children throughout the United States. Our research focused on the principal areas of the sexual exploitation of children: pornography, prostitution, sex rings, pedophilia, runaways, pimps, and missing children. The information contained in this investigation is drawn from several hundred hours of interviews with exploited children and offenders, field surveillance studies of certain cities, a national survey of police departments, informants, and a comprehensive review of the literature.

In regards to child pornography, we would like to briefly address three issues: dynamics of the kiddie porn market, problems of investigation, and the probable effects of pornography on the sexual exploitation of children. No one knows if the market in child pornography is undergoing a significant growth in profits and operations. Without some type of hard data as a measure of comparison, we can only speculate as to the extent of this criminal industry. Several compelling facts, however, are clear. Child pornography is a multi-million, possibly billion dollar, enterprise with an international production base and clientele. It is also an extraordinarily resilient market that continues to flourish despite the efforts of law enforcement. A crackdown on traffickers, for instance, may cause a temporary disruption in the flow of films and literature, but has the adverse effect of driving the market even further underground and increasing profits. More importantly, the prospects of achieving a substantial reduction in the production and distribution of kiddie porn are slight, given the lack of resources and knowledge required to control it.

Child pornography can be classified according to its four basic types of operations. The international market, composed primarily of pornographers from Scandanavia, Europe, and South East Asia, is responsible for world-wide, wholesale distribution of materials through the mails and by courier. Although the U.S. Customs Dept. is trying to intercept pornographic materials sent through the mails from abroad, it is a herculean effort that requires extensive federal cooperation with foreign nations to be truly successful. A second market or level of operation centers on kiddie porn manufactured exclusively in the United States and sold within the country, in Canada, and Mexico. It is roughly comparable in organization and distribution to the efforts of international syndicates. Both maintain mailing lists of customers, a bogus business front, and have the capacity for mass reproduction of materials through access to developing labs and printers. The advent of such technological innovations as the video cassette camera, instant film processing, and paper copiers has made the work of these pornographers easier while increasing profits and reducing the risks of apprehension. The free-lance pornographer, usually a skilled amateur photographer, represents the third type of operation. His is the most insidious form of exploitation because the principal source of his models are children from abusive or unwanted families. In these situations, the parents sign a release form that, in effect, hands their child over to the pornographer. After several sessions of posing the child in a variety of obscene settings, including beastiality and sex with adults, the pornographer will offer his collection of several hundred photos to individual buyers or representatives of organized crime or local distributors. In either event, he splits the profits with the parents and may give the child a present, such as a bicycle or television, for her cooperation. A final level of operation is the pedophile who takes and collects pornographic photographs and materials of children for his own use or for purposes of barter. Pornography is the medium of exchange among pedophiles. Any material that involves children in a sexually suggestive or provocative fashion is hoarded, catalogued, and sold or traded for other kiddie porn. To satisfy this urge, the pedophile learns how to use cameras and finds a safe outlet for developing film.

These four types of operations yield profits in direct proportion to the level of their production, quality of merchandise, number of customers, and outside interference from the authorities. Production levels are limited only by the size of the operation and the risk of arrest. Quality of merchandise is a relative term but, in this case, it refers to the sort of children used in different settings. The emphasis is on white, pretty, and young (ages 8 - 14) girls. At the moment, the hottest selling item in child pornography are blond-haired twin sisters. A book of 50 glossy photographs portraying these girls in various sexual acts sells for about $300 - $500 a copy whereas an 8mm or 16mm film with the same girls would be reproduced until the negatives were exhausted and each film sold for $100 - $300. One one occassion, we spoke with a part-time child pornographer who claimed that he made as much as $500 - $1,000 for a single set of photographs containing mother-daughter "teams" engaged in sex with an adult male.

On the basis of our investigation, we believe that there will never be a shortage of customers willing to pay exorbitant prices to purchase child pornography. Children continue to be sold, coerced, or bribed into pornography while their exploiters reap the financial profits. A typical book of 50 photographs, as mentioned earlier, when reproduced wholesale can bring in hundreds of thousands of dollars which is unequally divided among the producers, distributors, and sellers. This is not to imply that child pornography is the product of a national network of producers. We did not discover any evidence to indicate that this traffic is an integral part of a national syndicate. Considering the devastating effects that such exploitation has on the abused children, it matters little if the kiddie porn trade is simply a cottage industry or syndicated. The effect on children is the same.

Our survey of 1,315 police departments yielded a response rate of 596 surveys from fifty states. One section of this survey was devoted to child pornography. Eighty-one departments stated that child pornography was available commercially, either under the counter or through referrals, in their city. One hundred and sixty-four departments made arrests of child pornographers since 1980. These figures, however, are departmental estimates based on arrest records for the past 3 1/2 years. They indicate that the problem of child pornography is widespread and is not confined exclusively to large urban areas. Without digressing into a more sophisticated analysis of these figures and their significance, it is clear to us that general awareness of the dynamics of the kiddie porn trade are woefully absent. This situation can be attributed to the lack of practical information based on applied research. What passes as reliable knowledge today on the subject of child pornography is too often the result of theorectical studies performed by college professors and agency researchers. Typically the by-product of a federal grant, these studies tell us little, if nothing, of the true extent and nature of this issue. Besides the enormous waste of money, these meaningless pieces of research are of marginal value to practitioners. They divert our attention and limited resources from the principal areas of concern: combatting the kiddie porn trade and aiding the child victims.

As a result of this misdirection of efforts, law enforcement is confronted with an additional burden in the investigation of child pornography. We believe that law enforcement, federal and state, is the key to supressing the kiddie porn traffic. As such, it faces a variety of problems pertaining to investigation. Foremost among these is the lack of training and information. Few departments have officers specifically trained or skilled in the investigation of cases relating to the sexual exploitation of children. Secondly, child pornography does not receive the necessary priority within departments. Property crimes are still of far greater concern, and few departments possess the manpower or resources to maintain a long-term field investigation into a potential kiddie porn ring. Third, it is no secret that the law enforcement component of the criminal justice system is riddled with disputes over juridisction, information requests, and lines of authority. Cases of suspected child pornographers, as a consequence, are not followed through if the investigation entails inter-state cooperation between agencies or between departments within the same department. This is certainly not always the case, however, and those departments that rise above such obstacles are to be commended. We believe though, that such incidents are infrequent. A final problem involves the lack of a national agenda regarding the appropriate strategies needed to combat kiddie porn. As it stands now, agencies devise ad hoc methods of investigation according to their available resources and expertise. While understandable given the severe demands on police services, such methods are usually inefficient and based on a misundertanding of the unique problems posed by child pornography. During the course of our study, we frequently met officers who had been haphazardly assigned to investigate charges involving child pornography. Despite the best of intentions and efforts, these officers were not prepared to perform a competent investigation.

There are ways to overcome these obstacles. A national conference on child pornography, for instance, that emphasized practical knowledge and investigative techniques, would be of value. Workshops, training manuals, and specialized courses would also be of assistance in giving law enforcement the basic skills essential in the investigation of kiddie porn. Lastly, federal and state agencies must establish the vehicle, either through legislation or mutual cooperation (highly unlikely), by which current information, leads, and resources can be exchanged. No one benefits from the present status quo, except the pornographer who may or may not appreciate the obvious fact that the more we delay in pooling resources and knowledge, the greater are his profits and the lower the risk of apprehension.

One final point needs to be addressed in this succinct discussion of child pornography. What effect does pornography have on the sexual exploitation of children? Without exception, every pedophile we interviewed admitted to owning an extensive collection of adult and child pornography. The material was used as "instructional aids" in the seduction of their victims. This was especially true in situations involving pubescent boys. Did it incite the adult to commit sexual acts with children? It may have instilled the idea in their minds, acting as a catalyst for a subdued fantasy, but we can not be certain. To argue that this is true is to assume that pornography is purely detrimental and conducive to action. We have not found any solid proof to support this position. At what point does a piece of literature or photograph involving children become obscene? For that matter, at what stage does obscenity begin and artistic or "good taste" end?

These are questions involving the sexual identities and tastes of each individual. Certainly it is true that children are entitled to protection from pornography, in terms of viewing and participation. What is obviously unclear is how this is to be achieved. We learned that pornography is used to indoctrinate children prematurely into sex. At the same time, we met people who had lost their families, jobs, and hope for the future because they were sexually obsessed with children. Even without the ready availability of pornography, they would have acted out their desires. Perhaps pornography enhanced the experience; we can only speculate on this point.

Those who argue that pornography encourages the sexual exploitation of children must first clearly explain what is or is not obscene matter. This argument presumes an unequivocal definition that, as yet, does not exist in legislative form. All too frequently, such definitions are founded on personal experiences, intuitive assumptions, and religious principles. These are not the criteria for reaching a consensus. Child pornography typically refers to minors portrayed in some type of sexual act for purposes of publication. If a father takes a snapshot of his 3-old daughter in the bathtub, is this obscene material? Perhaps not to the father, but certainly to the pedophile. How, therefore, can we differentiate between levels of acceptable and unacceptable erotic material?

We do not see any visible relationship between pornography and the sexual exploitation of children except for the obvious use of minors in this market. Such usage must cease and desist, not through emotional rhetoric, but by a concerted attack on those who trick or coerce children into pornography. There is no way to prevent an adult, already predisposed to do so, from becoming aroused at the sight of children in ads, movies, or television.

Child pornography exists because a segment of our society is willing to pay for it. Demand is evidently strong whereas our ability to destroy the market is haphazard at best. Perhaps the saddest reality of this issue is that amidst the public clamor for enforcement, stricter laws, and agency cooperation, the true victims remain children who have lost not only their sexual rights as human beings but whatever faith they may once have had in those people and agencies responsible for their protection.

Senator **Specter**. Thank you very much, Dr. Campagna.

The first question that I would like to address is the scope of the problem.

Director Rabun, you talk about 10 percent of the missing children who become involved in pornography as potential victims.

The best estimates are that we have about 1 million runaways in this country a year and this is an important question because of the funding level under the Runaway Act where finally after a lot of effort we brought the funding level from around $11.25 to $25 million a year.

How many of these runaways do become victims of pornography? Are you saying that 10 percent of the approximately 1 million children or as many as 100,000 of these missing children runaways become victims of pornography?

Mr. **Rabun**. That would be what the research indicates.

Now, I think you have to be a little bit more careful with the term pornography versus the term that I was using which was sexual exploitation.

Our research was a little more general than your specific definition.

Senator **Specter**. How would you then define sexual exploitation?

Mr. **Rabun**. Child prostitution, child pornography and child sex rings. In fact, you cannot have child pornography without child prostitution or child sex rings. So they all tend to be lumped together and I think appropriately so. But just as a clarifying caveat, I think we ought to maybe broaden it from child pornography to say that if the kid is engaged in sex acts with an adult, such is sexual abuse, then there is the subject of child pornography.

Senator **Specter**. Professor Campagna used the term fade-away kids. Beyond those children who become runaways or who are missing, the issue of victimization by pornography or sexual molestation impacts on many other youngsters besides those who run away.

Professor Campagna, would you have any estimates as to how many of these so-called fade-away kids there are?

Mr. **Campagna**. Well, in the national survey I referred to earlier, Senator, we asked specific questions of departments such as approximate estimates as to how many child prostitutes in their city, how many runaways, and so forth and we estimate in the United States, which runs contradictory to other statistics, that there are 100,000 adolescent prostitutes operating on a regular basis. We have no idea how many operate in the bordellos or through the referral services.

In terms of fade-away children, we have no estimates except through projection of our survey results and we would guess—it is only a guess because I have very little faith in the figures now with this issue—perhaps half a million.

Senator **Specter**. 500,000 fade-away children.

Mr. **Campagna**. Right, each year.

Senator **Specter**. As many as 100,000 to 200,000 children prostitutes; right?

Mr. **Campagna**. Right.

Senator **Specter**. And by that you mean children under 18 years of age.

Mr. **Campagna**. Right. Under 18.

Senator **Specter**. How many of these 100,000 to 200,000 prostitutes and 500,000 fade-away children are affected by pornography?

Mr. **Campagna**. There is absolutely no way of knowing that.

Senator **Specter**. What is a professional judgment? You are a scholar, you are a research expert.

Mr. **Poffenberger**. Senator, I interviewed a lot of the children and our methodology took us to the detention centers where we have records. We tried to stay away from the streets and, for example, I have read methodologies where individuals go up to an individual in a bus stop and give them $10 or $15 for an interview. We tried not to do that where we had verification, where Dan or I checked with the counselor and were allowed to check the records and I would say given the dozens, not hundreds, but given the dozens of children that we talked to, I would concur with Mr. Rabun that it seems to be cyclical, that you have the runaway, then prostitution. If it was a male, he was on his own and was probably brought into the trade either by another child who was in the shelter with him or he simply learned it on his own and then many of these individuals went on into pornography.

I would make just as a nuance to our research, it was interesting, I do not know how many children Dan and I missed in that when we first started this, we were asking the children: Were you ever involved with pornography? And they would say "No."

Then about 1 year ago one of the 11-year-old girls said: "I don't know what that means. Maybe I have." So I have no idea and neither does Dan how many kids we have missed.

Mr. **Rabun**. Senator, if I might comment on what Dan was sharing with you. We too found the same thing early on. The fact is those of us in law enforcement who have been at this for years had very poor skills in the beginning and those skills are beginning to develop. What we did find in the Kentucky studies of these 1,400 kids was the vast majority, I would have to answer your prior question in the affirmative, yes, they were victims of child pornography.

Affirmatively, and I think this is the correct way to do it, say that the pedophile or the child molester took Polaroids at least, instant pictures of the child, either in full nude, nude exhibition of the genitals or a sex act, that is a child victim of pornography. It does not have to be the slick over-the-counter production.

What Ann has been talking about is the abuse of children by way of pictures of children engaged in sexual abuse. These are not "dirty pictures" but those pictures are used to control the child and by the pedophile to kind of give them a token of their conquering of a child.

Senator **Specter**. Let me move now to the central question of an evaluation concerning whether you could have any law enforcement response in a first amendment area, and that is the question of causal connection between pornography and molestation of children or aggressive sexual behavior.

Few men and women are professionals, you are experts, you are research scientists. What is your professional judgment on the question: Does pornography cause sexual molestation of children? Let us start with you, Dr. Burgess.

Ms. BURGESS. Pornography is the visualization of what the pedophile then acts out so that what you have is a two-step process and very clearly, at least in the small group that we had to study in depth and to talk with the children to get some information on the offender, the soft core pornography is used to normalize the process to show the child that it is OK. And it clearly goes this way and then the child does what is in the picture and is sexually abused.

Senator SPECTER. So the short of that is you think that pornography is a cause of sexual molestation of children.

Ms. BURGESS. You certainly do not have a large enough sample to be able to statistically say that but the data suggests that it is going in that direction for a research answer, yes.

Senator SPECTER. What is your professional judgment, Professor Campagna, on that question: Does pornographic material cause sexual molestation?

Mr. CAMPAGNA. I am not necessarily a poker player and do not intend to sound like one in this response but I do not know anyone who can say affirmatively with some substantive proof that it does. Only that we have found that it is used as an instructional aid. But lacking a clear definition of what is pornographic and obscene aside from the use of children without some reasonable mutually agreed upon criteria, I do not know.

Senator SPECTER. The courts have defined pornography for us as it relates to children. It is a different definition for adults as opposed to children.

As to adults, the cases have come down with a decision that is judged by contemporary community standards as a dominant appeal to prurient interests, which is defined as a morbid interest in nudity, excrement, or sex. That is the definition that the courts have handed down. With respect to children—and that is a capsulated statement—the courts go on for many, many pages defining pornography. But that is a nutshell.

Concerning the children, the Supreme Court has said that it is appropriate to have a different standard because of the different impact and that you do not have to reach the same level which for adults is almost as broad as what adults may consent to. But for children you have children in sexually explicit positions that is sufficient to constitute pornography and to stop interstate mail distribution. Again, that is a thumbnail description.

What the Congress has to do if we are to do anything is to come to grips with these issues and we turn to the researchers and the professionals, if the evidence is inconclusive, we do not know one way or another, we do not do anything.

So we look to you professionals to give us your best judgments. If the conclusion is you do not know, then we are left without a record to act on.

Mr. Poffenberger, do you have a comment to make?

Mr. POFFENBERGER. Senator Specter, I do in that there is a record. And the record is in the devastated lives that are left by the pornographer and that is with the children who enter our juvenile justice system.

Sir, I have spent 3 years and Dr. Campagna and I have spent 3 years in these institutions and it is a revolving door. And for example, sir, take the $25 million with the runaways, that is an excellent act. But what happens is that the beds only last for 30 days and if they cannot find a foster care placement or halfway house, somewhere along the line that child gets lost.

Senator, we have for example to give you two quick scenarios, one child we interviewed here when she was 11 years old and she is now 14. I have traced her in those 3 years in four or five States in the region. She has been locked up approximately 19 times, all of which have been involved in various nonstatus offenses or, excuse me, status offenses. And it is just a revolving door.

We have interviewed children: Where have you been? You say the question, and they pull out a card, an index card, and it has their life's history on it.

Senator Specter. We have a revolving door and insufficient resources. But does the door start to revolve in a causative way to pornography? That is my question.

Mr. Poffenberger. I think so.

Senator Specter. Let me move on to another question. We have a great many witnesses this morning.

The question as to how harmful pornography is to children. How harmful is it for a child to be photographed in a sexually explicit position? What is the long range impact on the psyche or life of that child?

Go ahead, Dr. Burgess.

Ms. Burgess. Yes, I would like to respond.

Our findings show that it has a deleterious effect.

Senator Specter. What does it do? Give us a concrete illustration as to what happens when a 9-year-old girl is photographed in the nude or in sexually explicit position with an 11-year-old boy as some of these photographs are done?

Ms. Burgess. Right. See, there are a lot of photos that are taken and it is always taken by an adult so that you almost have to get the script of what else is going on. It is not just that photograph but it is what happens before, what happens afterward, where all of the photos go. And there always are sexually molested, abused, raped, whatever, that is all part of the whole scene.

Senator Specter. That is the second part of the question. How harmful is it on the impact on the balance of the life to be sexually molested? Are those scars which never heal?

Ms. Burgess. Certainly that is the way the clinical data is coming both from adults who are now remembering back to early experiences.

One of the things we are looking at is the impact cognitively. What happens to the thinking process, what interferes in the way children should be normally developing?

Senator Specter. That is what I am groping for. Are you essentially saying that these are ruined lives? How serious is the problem?

Ms. Burgess. The seriousness of the problem has a wide range because a lot depends on how the response, what is the family response, what kind of other help one gets. You cannot say that every child is going to have X—go in X direction. Part of what our research showed is that we have four response patterns and much depends on how early on intervention occurs. But we have it all the way to where they were absolutely identifying with the agressor and committing sexual victimizing acts on younger children by the time they were 16.

Senator SPECTER. So those who were subjected to molestation become molesters themselves.

Ms. BURGESS. The ones that were in sex rings over time and used for pornography compared to the ones that were not used in pornography, they had the much—they had early intervention and they had a better adaptive course.

Senator SPECTER. Professor Burgess, you had made a comment about sexual homicide, 81 percent influenced by pornography.

Will you expand upon that statement, if I understood you correctly?

Ms. BURGESS. Right. This is a separate study in which 36 murderers have been interviewed and were writing the final reports. And that was a question with about 13 other items of where their sexual interests were and 81 percent said that they had a very—they considered it a problem.

Senator SPECTER. These were people who were guilty of sexual homicides?

Ms. BURGESS. They had committed three or more sexual homicides.

Senator SPECTER. Three or more murders related to sexual murders?

Ms. BURGESS. Right.

Senator SPECTER. Rape murders?

Ms. BURGESS. Rape murders or lust murders, yes.

Senator SPECTER. And 81 percent said that they were motivated by exposure of sexual literature?

Ms. BURGESS. No, they had a list of sexual interests. There were 13 items and they could check off things that they were particularly interested in and pornography was going to be the highest. I gave the other three sexual activities.

Senator SPECTER. Well, thank you very much, ladies and gentlemen. Those are very helpful responses.

I would be interested in any amplification you could give on the specific issues of causation, pornography, to sexual offenses, to aggressive sexual misconduct, to child molestation. The question of how harmful it is in specific cases and the question of the scope of the problem. How many of our children in this country are being affected by the nature of this problem. Those are the kinds of factors which will weigh heavily in a public policy evaluation by the Congress in trying to cope with the seriousness and extent of the problem.

Thank you all very much.

I would like to turn now to Judy Goldsmith, president of the National Organization for Women, a contributor to the Congress as we deal with many problems which confront us on the national level. A great many of them relate to the issue of women's rights.

We appreciate your taking the time to contribute to the questions which are involved in this issue.

STATEMENT OF JUDY GOLDSMITH, PRESIDENT, NATIONAL ORGANIZATION FOR WOMEN

Ms. Goldsmith. Senator, I am extremely grateful that you are holding these hearings to address this issue which is being increasingly debated throughout the country.

I am Judy Goldsmith, president of the National Organization of Women, the Nation's largest feminist organization.

As the representative of an organization dedicated to the elimination of all forms of discrimination against women, I welcome this opportunity to discuss the harmful effect of pornography on children and women.

NOW's position on pornography is summarized in the following resolution, adopted at our 1984 National Conference in June:

> *Resolved,* That NOW finds that pornography is a factor in creating and maintaining sex as a basis for discrimination. Pornography, as distinct from erotica, is a systematic practice of exploitation and subordination based on sex which differentially harms children and women. This harm includes dehumanization, sexual exploitation, forced sex, forced prostitution, physical injury, and social and sexual terrorism and inferiority (Portrayed as enjoyable to its victims and) presented as entertainment. Pornography violates the civil rights of children and women.
>
> Be it further resolved, that NOW supports educaton and action by the chapters on this issue.

Pornography is a fast growing problem calling for new solutions. Mounting statistics on domestic violence are demolishing the traditional excuse that pornography, like prostitution, can serve as a catharsis for men's aggressiveness that would otherwise be directed against their families and communities. Instead, scientific research increasingly corroborates the reality to which victims have repeatedly testified; pornography is violence.

As in the case of domestic violence, traditional legal boundary lines between public and private behavior are being redrawn because the damage in which pornography is implicated is becoming too extensive and severe to be concealed or disregarded.

In Minneapolis, police investigators testified that pornographic materials are commonly found at the site of sexual assaults, including assaults on children. Women Organized Against Rape in Philadelphia reports intensification of brutality to rape victims treated at its rape crisis center and cites pornography as an aggravating factor.

A recent Minneapolis police department analysis of crime frequency statistics established an disproportionate incidence of sexual assault in neighborhoods where outlets for pornography are clustered. Moreover, increased use of questions about pornography on intake forms at treatment facilities for both perpetrators and victims of sexual violence is expected to confirm the direct correlation between pornography and violence that is already supported by a grim abundance of empirical data

Increasing efforts by communities around the country to deal with pornography as a local problem are resulting in a growing recognition that pornography is a national dilemma.

The old solutions—censorship committees, obscenity laws, zoning regulations—were chiefly direct to keeping pornography underground and available only to adult men. Since pornography was not correctly identified as a menace to women's civil rights, those weak measures are proving inadequate to deal with the harmful impact of a nationwide industry with access to drugstores, supermarkets, and living rooms and with sales volumes of $7 billion a year, amounting to $70 for every man in the United States, and exceeding those of the film and record industries combined. Acknowledging the reality of that harm is the first requirement for constructive action against it.

What must be addressed is the need for legislation to protect children from pornographic exploitation, and to empower women harmed by pornography to seek civil remedies. To those men who have relied on pornography for protection from having to compete on their own merits with women, such legislation may seem threatening, but pornography daily threatens the dignity, mobility and safety of women.

No longer intimidated by pornographers' aggressive use of first amendment arguments as a shield for their business activities, elected officials and citizens groups in a number of cities are beginning to explore innovative legislative and legal strategies to combat what is increasingly recognized as a threat to civil rights and community welfare. The integrity of the first amendment is not at issue in this discussion. The civil rights approach does not involve bans, censorship, or criminal sanctions, but provides a civil remedy for those who have suffered harm.

To women, whose constitutional rights are the subject of 200 years of unresolved debate and are still uniquely subject to legislative and judicial whim in the absence of the equal rights amendment, there is considerable irony in the civil libertarian claim that pornographers' license to libel women as a class is protected by the Constitution's first amendment. Without a right of equal access to free speech, freedom of speech is defined in terms of the absence of Government prohibitions is likely to benefit only those who can afford to claim it. Women are entitled to freedom from the threat of pornography.

Thank you.

Senator SPECTER. Ms. Goldsmith, when you assert that the first amendment is not an issue because we are not talking about criminal penalties, I raise a question to you as to whether that is really so.

If you talk about civil damages, you talk about libel, in a totally civil contents, those causes of action are almost measured against freedom of expression.

So do we not really have a first amendment issue, even though we are talking about a potentially civil remedy?

Ms. GOLDSMITH. The first amendment is involved to the extent that this is a problem regarding expression. But all—no rights are absolute.

When I am driving, my right to continue in the direction I am going is limited by your right to cross my path. And what has happened is that in the area of pornography, the rights of pornographers have superseded the rights of, particularly women and children, to be protected, and that, I think, is a major consideration that has to be considered when we look at possible solutions to the problem.

Senator **Specter**. Well, the dominant view is, as you have expressed it, that the rights are not absolute. There is still a debate for many on that subject.

Justice Black, a noted legal scholar, said that the first amendment rights were absolute, the Federal Government shall take no action to impair freedom of religion or the press or speech. But it is a balancing matter.

Even assuming a balancing matter, you still have the first amendment, which weighs very heavily on the one side. So that we then have to make a determination as to what is the scope of the injury on the other side.

Now, you are asserting very much as the Minneapolis ordinance does, that there is a calculated consequence, or calculated effort by pornography to subjugate women, which reaches employment opportunities, and reaches housing, public accommodations, in every facet of our national life. That is the essence of your position.

Ms. **Goldsmith**. Essentially. It is not our intent to attribute motives to pornographers, but if someone runs someone over with a truck, their motives in doing that are very much irrelevant if the person has been hurt. The effect of pornography is to hurt women, to impair their mobility and their safety, and their dignity as human beings.

Senator **Specter**. You made one comment about men being uncomfortable in the efforts of women to combat pornography as a part of women's assertions of their own rights. I did not write it down.

Would you amplify on that, because that statement really almost goes to the question of motivation, really as if it is a calculated, not necessarily by all the publishers, but almost as if it is a male calculated approach with the use of pornography, to keep women from their essential rights.

Ms. **Goldsmith**. It is not necessarily calculated on any conscious level, and there is a more extensive discussion of that point in the longer testimony which I have submitted to you.

But one of the impacts, one of the effects of pornography, is clearly to demean women, to lower women to a level, to make them simply objects, to deny them of dignity or worth as human beings. And there are, generally speaking, men benefiting from that. Whether they ask to, whether they intended to, as racism benefits any white people, whether they are racists or not, so men benefit from the degradation of women through pornography, and it is, I think, perhaps one of the most dramatic and specific examples of this was very recently when a pornographic magazine took a photograph of one of the—took one of Vanessa Williams' photographs and superimposed on the body—the face of the Vice Presidential nominee for the Democratic Party, and the message in doing that was very clear, it was to suggest that women had to be slapped down to size again. That woman having achieved this extraordinary level of recognition, for their worth and their value to our society, in the nomination of the first woman to—Vice Presidential position, on a major ticket, that the response was to bring women down to size again through this pornographic exercise.

Senator SPECTER. This is the sentence from your prepared testimony that I have reference to, "to those men who have relied on pornography for protection from having to compete on their own merits with women, such legislation may seem threatening, but pornography daily threates the dignity, mobility, and safety of women."

So that in that contention it is pretty much a broadsided blast at what you are really representing, is a male dominated society which uses pornography in a very material way to keep women from equality.

Ms. GOLDSMITH. Its effects are unquestionably deleterious.

Senator SPECTER. You put it in very bold terms when you equate pornography with racism. There has been a great deal of legislative action which has surmounted a constitutional challenge against a context of racism and equality, and what you are saying directly, that pornography has the same effect on women's rights, as racism has on the rights of blacks, Hispanics, and other minorities.

Ms. GOLDSMITH. Well, the real parallels are racism and sexism. Pornography is not precisely parallel to racism, but pornography is an enforcer of sexism, which is prarallel to racism.

Senator SPECTER. Pretty close.

Ms. GOLDSMITH. Yes.

Senator SPECTER. On the issue of an individual woman's rights to be photographed in any position she chooses, are you saying that women as a class have a right to stop a publisher from accepting the right of an individual woman to be photographed as she chooses, be depicted as she would choose?

Ms. GOLDSMITH. I am not sure I understand the question

Senator SPECTER. Let me make a preceding sentence.

You have a woman who is 21, and under our laws, she is an adult, and if she chooses to be photographed in a way which you find offensive, she has a right to be photographed that way.

Ms. GOLDSMITH. There is no attempt in anything that I have said, or that I have heard from the advocates of the need to do something about the problem of pornography, to interfere with anyone's rights to do what they wish.

One of the major problems, however, with pornography, and with the subjects of pornographic materials, the women who have been involved in them, is that very frequently what appears to be cooperative involvement in that is not cooperative involvement. Whether it is coerced by—whether it is coerced through force, through various kinds of influence, or through simply desperation and economic need, it is often not willingly engaged in.

But if it is willingly engaged in, then certainly an individual has the right to do that. But what we are saying is that women who feel themselves harmed by the existence, by the distribution, by the display of pornographic material, should have access to some course of action, to protect themselves against that.

Senator SPECTER. Let us explore that a little further.

Whether it is voluntary, an individual case has to be judged on all the factors, it may appear voluntarily, or not voluntarily. Just like a confession, where we have an elaborate body of law. What is a voluntary confession? You cannot use it in a criminal court if it is coerced. So that would require an individual analysis.

But what you are saying goes farther than that, as I understand you, and that is even if the individual model, Jane Brown, voluntarily, as the facts show, agrees to pose in that position, that for the entire class of women, when that photograph is depicted in a national magazine, it is degrading and damaging to women as a class, so that are you saying that women as a class should be able to stop the publication, even though that individual model has voluntarily consented?

Ms. GOLDSMITH. No; we are not saying—and I do not think that what I am suggesting is different from that.

What we are talking about is individual action, is the right to take this particular case to court, and be heard. Whether an individual woman wins or not, is up to the people involved in making that decision, and all of the elements involved in that particular case.

It is not—I mean, we have not proposed, and NOW does not, at this point, endorse any specific remedy for the problem, but we would oppose outright censorship and bans, not only because of our own concern for the first amendment, but because censorship and bans simply do not work.

But what is needed is some vehicle that will provide women with a course of action they can take, with a remedy available that they can be heard in court, a civil remedy that will allow them to take action, and protest.

Senator SPECTER. Well, if you are talking about the rights of the individual model, it seems to me that the individuals have that right now.

Vanessa Williams has standing to sue Penthouse, and to proceed on an individual claim, if her individual rights have been violated.

There are State, common law remedies for that, and the Minneapolis statute really looks to a broader category of, really offending women as a class, it seems to me. That is the threshold where the current avante garde thinking is moving, when you are talking about civil rights.

Ms. GOLDSMITH. Yes; and this is, I think, one of the—one of the genuinely new civil rights considerations that has emerged. It is an old problem, but it is a new civil rights consideration that is very much under discussion, in which people are reaching for some kind of solution which will give women protections they have not had to this point, that will do that in a reasonable and effective way.

Senator SPECTER. Thank you very much, Ms. Goldsmith.

The picture of the scales, with the first amendment weighing very heavily on one side is very different, if you classify it in broad civil rights categories, or weighted with sexism or racism, when you equate sexism to pornography. It is a very different kind of balancing process.

Thank you very much.

Ms. GOLDSMITH. Thank you, Senator.

[The prepared statement of Ms. Goldsmith follows:]

PREPARED STATEMENT OF JUDY GOLDSMITH

Good morning. I am Judy Goldsmith, President of the National Organization for Women, the nation's largest feminist organization.

As the representative of an organization dedicated to the elimination of all forms of discrimination against women, I welcome this opportunity to discuss the harmful effect of pornography on children and women.

NOW's position on pornography is summarized in the following resolution, adopted at our 1984 National Conference in June:

> RESOLVED, that NOW finds that pornography is a factor in creating and maintaining sex as a basis for discrimination. Pornography, as distinct from erotica, is a systematic practice of exploitation and subordination based on sex which differentially harms children and women. This harm includes dehumanization, sexual exploitation, forced sex, forced prostitution, physical injury, and social and sexual terrorism and inferiority [portrayed as enjoyable to its victims and] presented as entertainment. Pornography violates the civil rights of children and women.
>
> BE IT FURTHER RESOLVED, that NOW supports education and action by the Chapters on this issue.

Pornography is a fast-growing problem calling for new solutions. Mounting statistics on domestic violence are demolishishing the traditional excuse that pornography, like prostitution, can serve as a "catharsis" for men's aggressiveness that would otherwise be directed against their families and communities.[1] Instead, scientific research increasingly corroborates the reality to which victims have repeatedly testified: pornography is violence.[2]

As in the case of domestic violence, traditional legal boundary lines between public and private behavior are being redrawn because the damage in which pornography is implicated is becoming too extensive and severe to be concealed or disregarded.

In Minneapolis, police investigators testified that pornographic materials are commonly found at the site of sexual assaults, including assaults on children.[3] Women Organized Against Rape in Philadelphia reports intensification of brutality to rape victims treated at its rape crisis center[4] and cites pornography as an aggravating factor.[5] A recent Minneapolis police department analysis of crime frequency statistics established a disproportionate incidence of sexual assault in neighborhoods where outlets for pornography are clustered.[6] Moreover, increased use of questions about pornography on intake forms at treatment facilities for both perpetrators and victims of sexual violence is expected to confirm the direct correlation between pornography and violence that is already supported by a grim abundance of empirical data.

Increasing efforts by communities around the country to deal with pornography as a local problem are resulting in a growing recognition that pornography is a national dilemma.

The old "solutions" -- censorship committees, obscenity laws, zoning regulations -- were chiefly directed to keeping pornography underground and available only to adult men. Since pornography was not correctly identified as a menace to women's civil rights, these weak measures are proving inadequate to deal with the harmful impact of a nationwide industry with access to drugstores, supermarkets and living rooms and with sales volumes of $7 billion a year, amounting to $70 for every man in the United States and exceeding those of the film and record industries combined. Acknowledging the reality of that harm is the first requirement for constructive action against it.

What must be addressed is the need for legislation to protect children from pornographic exploitation and to empower women harmed by pornography to seek civil remedies. To those men who have relied on pornography for protection from having to compete on their own merits with women, such legislation may seem threatening, but pornography daily threatens the dignity, mobility, and safety of women.

No longer intimidated by pornographers' aggressive use of First Amendment arguments as a shield for their business activities, elected officials and citizens groups in a number of cities are beginning to explore innovative legislative and legal strategies to combat what is increasingly recognized as a threat to civil rights and community welfare. The integrity of the First Amendment is not at issue in this discussion. The civil rights approach does not involve bans, censorship, or criminal sanctions, but provides a civil remedy for those who have suffered harm.[7]

To women, whose constitutional rights are the subject of 200 years of unresolved debate and are still uniquely subject to legislative and judicial whim in the absence of the Equal Rights Amendment, there is considerable irony in the civil libertarian claim that pornographers' license to libel women as a class is protected by the Constitution's First Amendment. Without a right of equal access to free speech, freedom of speech defined in terms of the absence of government prohibitions is likely to benefit only those who can afford to claim it.[8] Women are entitled to freedom from the threat of pornography.

A psychotherapist who works with rapists quotes a patient as explaining, "I wanted to knock the woman off her pedestal, and I felt rape was the worst thing I could do to her. She wanted it, she was asking for it. She just said 'No' so I wouldn't think she was easy."[9]

The women who participate in the creation of pornography do so for a variety of reasons but rarely from entirely free choice. Psychological coercion, physical force, economic need, and the influence of drugs are all among the most common reasons why women become involved in pornography. The acts that are the core of pornography -- the brutalization and depictions of dismemberment and murder of women on screen and in print -- can lead to the execution of the acts in "real life." As with prostitution, few of its defenders would want the job themselves.[10]

$7.5 BILLION CAMPAIGN AGAINST WOMEN

Pornography is a $7.5 billion a year industry with roots in both "respectable" corporations and organized crime. It is larger than the movie and record industries combined. The sheer scale of this communications business is a measure of its influence on American society.

This influence can be seen in advertisements readily available to children in both electronic and print media. If children are able to learn from "Sesame Street," why wouldn't they absorb attitudes about women from exposure to violent and sexist images of women in advertising and news media?

Similarly, if advertisers spend millions of dollars on inches of print space or seconds of time on electronic media to influence the behavior of consumers, it would be unreasonable to deny that exposure to pornographic images of behavior, communicated by the same media, also influences the consumer.

KNOCKING OUT THE COMPETITION

Women are statistically invisible as buyers of pornography. Men are the consumers who support this multi-billion dollar enterprise.[11] What does this product do for men?

If pornography were used only to blackmail and train newly recruited prostitutes or to stimulate rapists and child molesters, the pornography industry would not be as large and pervasive as it is. Moreover, if its "recreational" use by other men had no political force, pornography would hardly be as staunchly protected as it is by male authority in this country.

Pornography's function in our society, as well as the reason for its abundance and protected status, becomes glaringly obvious when we recognize that pornography defines women as inferior and subordinate to men. It gives men permission to devalue women or even to do violence to them. Like the girlie calendar in the construction shack or the painting of a nude woman above the bar in the saloon, pornography warns women to keep out.

By defining women as unqualified to participate in the men's world, except on men's terms and with their permission, pornography helps protect men from having to compete on their own merits with women. Just as racism eases competitive pressures for all whites, including those who consider themselves to be non-racist, pornography as an enforcer of sexism cuts down competition from women for the benefit of all men, including [illegible]se who are not buyers of pornography.

What does pornography do to women? Apart from its direct use in crimes against them, pornography degrades women's self-image and undermines their sense of entitlement to equality with men. It mocks their humanity and individuality ("She wants it, they all do.") Pornography fosters a terrorist environment of psychological and physical intimidation from which no woman in our society is entirely immune. Women sense that pornography is power and that pornography displayed is power flaunted.

MEDIA CONTROL OF WOMEN'S IMAGE

Given pornography's function, it can hardly be regarded as coincidental that the explosive expansion of the pornography industry occurred during the same time period that saw an unprecedented movement of women into the paid workforce, as well as open resistance to sex discrimination and a renewed drive for recognition of women's right to legal equality.

From 1953 on, Hugh Hefner's successful merchandising of Playboy as coffee-table pornography bought respectability for pornographic images and attitudes in the news and entertainment media. When the women's movement opened new career opportunities to women in the early '70's, Hefner responded by demonstrating graphically that naked "career women" were indistinguishable from the naked "secretaries" that Playboy customarily featured. Well-publicized forays to college campuses not only offered reassuring evidence that women, educated or not, are all the same, but also gave many a fledgling journalist a chance to be a First Amendment hero by risking his editorship of the campus newspaper in a bold defense of Hefner's right to photograph "the Girls of the Big 10," the Ivy League, etc. (Hefner's pioneering idea has since been developed by other pornographers into a hardcore genre featuring photographs of bound, gagged, and tortured "college girls.")

Playboy's portrayal of women as "happy hookers" continues to undercut women's ability to be taken seriously in their professions. Sex harassment in the workplace is encouraged by the view of women as objects, not co-workers.

In a memo to Playboy staff members, Hefner offered his view of how the magazine should portray the women's movement and pornography:

"These chicks are our natural enemy...It is time we do battle with them...What I want is a devastating piece that takes the militant feminists apart...They are unalterably opposed to the romantic boy-girl society that Playboy promotes..."[12]

The reality behind Playboy's "romantic boy-girl society" is described by Linda Marchiano who experienced it during her period of enforced participation as pornographic film star "Linda Lovelace":

"Mr. Traynor and Mr. (Hugh) Hefner sat around discussing what they could do with me, all kinds of different atrocities. And it seemed that Mr. Hefner and Mr. Traynor both enjoyed seeing a woman used by an animal. And so Mr. Hefner had Mr. Traynor's dog flown in from Florida to the L.A. Mansion."[13]

Meanwhile, the Playboy Foundation was applying a thin veneer of respectability to its pornographic empire by contributing money to women's organizations and seeking to place Playboy employees on their governing boards. And establishing awards for First Amendment advocacy.

Today, with pornography routinely advertised on newspaper movie pages, the casual pornography and everyday misogyny of the comics and editorial pages is scarcely noticed. Where, for example, does the news business end and pornography begin when Playboy founder Hugh Hefner is interviewed as an objective source on the Miss America firing and Playboy president Christie Hefner rates a feature article in the Washington Post as an outstanding young businesswoman and expert on feminism? It would be naive to deny that this institutionalization of pornography in the news media negatively influences news coverage of women and women's issues.

The effect of this hit-and-run intrusion of pornography into the everyday experience of women is merely suggested by such examples as an Atlanta law firm's combination of a bathing suit contest for women interns with refusal of partnerships to qualified women attorneys on its staff. Or the publication in Screw of a purloined photograph of a former Miss America engaged in simulated sexual activity with another woman whose head has been replaced by a photograph of the first woman candidate for vice-president of the United States.[14]

PUBLIC POLICY RESPONSE TO PORNOGRAPHY

Increasingly, efforts by communities around the country to deal with pornography as a local problem are resulting in recognition that pornography is a national dilemma.

The traditional "solutions" -- censorship boards, obscenity laws, zoning regulations -- were chiefly intended simply to keep pornography underground where it would be available only to adult men. Since pornography was not correctly identified as a menace to women's civil rights, these measures are now proving inadequate to deal with the harmful impact of a nationwide industry with access to drugstores, supermarkets, and living rooms and annual sales amounting to $70 for every man in the United States.

As in the case of domestic violence, traditional legal boundary lines between public and private behavior are being redrawn because the damage in which pornography is implicated is becoming too extensive and severe to be concealed or disregarded.

Police investigators testify that pornographic materials are commonly found at the site of sexual assaults, including assaults on children.[15] Women Organized Against Rape in Philadelphia reports intensification of brutality to rape victims treated at its rape crisis center[16] and cites pornography as an aggravating factor.[17] A recent Minneapolis police department analysis of crime frequency statistics established a disproportionate incidence of sexual assault in neighborhoods where outlets for pornography are clustered.[18] Moreover, increased use of questions about pornography on intake forms at treatment facilities for both perpetrators and victims of sexual violence is expected to confirm the direct correlation between pornography and violence that is already supported by a grim abundance of empirical data.

No longer intimidated by pornographers' aggressive use of First Amendment absolutism to shield their business activities, citizens' organizations and elected officials are beginning to explore innovative legislative strategies to combat what is increasingly recognized as incitement to violence and a threat to public welfare.

Clearly needed are laws to protect children from pornographic exploitation and to empower women harmed by pornography to seek civil remedies. Not needed is more obscenity law, which amounts to a moral judgement call by community leaders and does not address the harm done to women by pornography. Nor can an effective strategy focus narrowly on pornography's involvement in specific aberrant behavior.

The integrity of the First Amendment is not at issue in this discussion. The civil rights approach does not involve bans, censorship, or criminal sanctions, but provides a civil remedy for those who have suffered harm.[19]

Defenses of the pornographic status quo tend to rely on appeals to First Amendment guarantees of freedom of speech for pornographers.

"Pornographers," Professor A. Catharine MacKinnon points out "have historically rested their claim to immunity from interference on the alleged difficulty of distinguishing what they publish from any other form of expression. The civil rights definition of pornography draws a line that makes this distinction clear. The pornographers' argument that their freedom is everyone's freedom has previously obscured the essential fact that the freedom of the pornographers enforces the subordination of women."[20]

The First Amendment right to speech has never been absolute, however. In the one case where the Supreme Court has balanced a municipal sex discrimination ordinance (barring sex segregation in employment advertising) against the First Amendment, the ordinance won (1973).[21]

More recently the Supreme Court, recognizing child pornography to be a form of child abuse, allowed states to make it a crime to exclude its speech from First Amendment protection. (The American Civil Liberties Union, on the other hand, defended child pornography as protected speech throughout the litigation.)[22]

The Minneapolis City Council hearings on pornography showed a similar level of harm done to women in adult pornography, as well as the integral role adult pornography plays in child abuse.

To women, whose constitutional rights are the subject of 200 years of unresolved debate and are still uniquely subject to legislative and judicial whim in the absence of the Equal Rights Amendment, there is considerably irony in the civil libertarian claim that pornographers' license to libel women as a class is protected by the Constitution's First Amendment. Without a right of equal access to free speech, freedom of speech defined in terms of the absence of government prohibitions is likely to benefit only those who can afford to claim it.[23] Women are entitled to freedom from the threat of pornography.

NOTES FOR STATEMENT

1. "Private Violence" Time, September 5, 1983, pages 19-29.

2. Neil A. Malamuth, PhD, U.S. Senate Subcommittee on Juvenile Justice, Hearing August 8, 1984, p. 98.

Also: Park Elliott Dietz, MD, and Barbara Evans, MSc, American Journal of Psychiatry, vol. 39, no. 11, November 1982, 1493-1495.

3. Public Hearings on Ordinance to Add Pornography as Discrimination Against Women, Minneapolis City Council (Government Operations Committee), Minneapolis, Minnesota, December 12-13, 1983. Session II, page 11.

4. Lynn Marks, Director of Women Organized Against Rape (WOAR), Philadelphia, personal communication, 8/84.

5. Martha Burt and Janet Gornick, "Rape Crisis Centers after Ten Years," Urban Institute, 1984. Authors interviewed in off our backs, August-September, 1984.

6. Supra note 3, Session III, page 124.

7. Andrea Dworkin and Catharine A. MacKinnon. Memo: "Proposed Ordinance on Pornography: Frequently Asked Questions" to Minneapolis City Council, December 26, 1983.

8. Caryn Jacobs, "Patterns of Violence" A Feminist Perspective on the Regulation of Pornography," Harvard Women's Law Journal, Vol. 7, page 45.

9. Minneapolis Hearings, Session III, page 39.

10. Caryn Jacobs, "Patterns of Violence: A Feminist Perspective on the Regulation of Pornography," Harvard Women's Law Journal, Vol. 7, Page 21, 1984.

11. Jacobs, op. cit., page 14.

12. Jacobs, op. cit., page 31.

13. Minneapolis Hearings, Session I, page 54. Also Linda Marchiano, Ordeal, Citadel Press, 1980, pages 189-191.

14. Washington Post, 8/15/84, B3.

15. Minneapolis Hearings, Session II, page 11.

16. Lynn Marks, Director of Women Organized Against Rape (WOAR), Philadelphia, verbal communication, 8/84.

17. Martha Burt and Janet Gornick, "Rape Crisis Centers after Ten Years," Urban Institute, 1984. Authors interviewed in off our backs, August-September, 1984.

18. Minneapolis Hearings, Session III, page 124.

19. Andrea Dworkin and Catharine A. MacKinnon. Memo: "Proposed Ordinance on Pornography: Frequently Asked Questions" to Minneapolis City Council, December 26, 1983, page 8.

20. Ibid., page 9.

21 Ibid., page 9.

2 . Ibid., page 9.

23. Jacobs, op. cit., page 45.

Senator SPECTER. Our next panel is Valerie Heller, New York; and Peggy Smith from Minnesota, on the subject of the effect of pornography on women.

If you ladies will step forward, please.

Will you identify yourself for the record, please?

STATEMENTS OF A PANEL CONSISTING OF VALERIE HELLER, NEW YORK CITY, NY; AND PEGGY SMITH, MINNESOTA

Ms. HELLER. I am Valerie Heller from New York City.

Ms. SMITH. I am Peggy Smith from Minnesota.

Senator SPECTER. Ms. Heller, may we proceed with you, and we welcome you here, and look forward to your testimony.

Ms. HELLER. I have a statement that was submitted. I am going to read a few excerpts from it.

As a female child in our society, I was conditioned to live a violent, sexually abusive life, and as an adult I have had abusive life styles.

Abusive life styles that have reinforced the conditioning, that have kept alive the side effects of my sexual abuse. What I remember most about Carl, who is my stepbrother, who was 14 years older than I am, about taking photographs of me, is that I was not allowed to do "certain things" while the photographs were being taken.

I could, and in fact, had to do those same certain things when pictures were not being taken. I do remember thinking, why does Carl not want my [deleted] while he is taking pictures.

And today I realized the reason for that was, if my [deleted] it would have been considered hardcore porn, and soft coreporn was more easily sold at that time than hardcore was.

Senator SPECTER. What timeframe are you talking about?

Ms. HELLER. I am talking about 19 years ago. I am talking about 1964. It was just a month or two ago, and 19 years after the fact, that I have come to remember and acknowledge that Carl involved me in child pornography.

Senator SPECTER. How old were you at the time?

Ms. HELLER. I was 13 or 14.

I do also remember Carl saying to me that he could not wait until I was 18 years old so that he could put me on drugs. Carl had me in training for a life of being a prostitute, and maintaining violent sexual interactions.

As I now think about porn, I realize that Carl's intent was to use me and to use my body for money and sex, and I believe that Carl's intent is unofficially socially sanctioned and protected and accepted within our society.

My mother's brother, George Morgan, also started sexually molesting me at the age of 10.

At another time, I heard a car pulling up in the driveway, and I was in the basement of our bungalow, hanging up clothes, and a few minutes later, after hearing the door shut upstairs, Carl was downstairs with me, and I was on my knees, and I [deleted]. He had taught me that the best place to do things that you do not want to get caught doing is to do it right behind a closed door.

As soon as Carl heard somebody coming, of course, I was shoved off of him, and discarded.

I was 12 years old when Carl's father, Irving Feldman, told me to undress. Terrified, I did exactly what he told me to do. My feet no longer touching the floor, because he picked me up and placed me on the pressing machine, which in the back room of his tuxedo store, and [deleted]. He was unsuccessful at that time, as far as raping me.

At the age of 14 I was sent away with him for a summer vacation, to a hotel up in the Catskills for a week.

Senator **Specter**. Who sent you away under those circumstances?

Ms. **Heller**. Well, the circumstances there was that the chauffeur from his store came and picked me up, and I was told by my mother, who I tried to talk out of this for 3 days, that it was my turn for a summer vacation, and so I was sent up to the hotel where Irving was, and I had to spend a week there.

I only remember a couple of minutes of the first evening of that week in particular. I do remember while we were driving up there, the chauffeur asked me if he could go more than the speed limit, and I said you can do 110 for all I care. Because I knew exactly what was about to happen.

One of the things I want to point out is I have eight siblings, and there are six girls in the family, all six of us were sexually abused, all six of us were being sexually abused by my two stepbrothers and my stepfather, as well as my Uncle George.

Pornography to me——

Senator **Specter**. Had you told your mother as to what your prior contacts had been with this man whom she was sending you away for a weekend vacation with?

Ms. **Heller**. Not in words well enough that she could understand. I was constantly saying I did not want to be alone with him, I refused to go down to the store, where a great deal of the rapes were happening. I just did not have the word "rape" in my vocabulary at that time.

Senator **Specter**. Do you think she understood what was about to happen to you?

Ms. **Heller**. No; I do not really think she did. I told her when I was 18, to protect my younger brothers and sisters.

Senator **Specter**. At that time did she express surprise?

Ms. **Heller**. Oh yes, and at that time Irving denied it, and also left home in the middle of the night.

Senator **Specter**. Was he related to you?

Ms. **Heller**. He is my stepfather, and he is the father of my five younger brothers and sisters.

Pornography to me is the interaction that occurs when a woman with four daughters between the ages of 4 and 8 lives with a rapist and his two sons. Irving Feldman and his two sons, Robert and Carl, raped all of us girls by the time we were 12 years old. I was raped by two of them, and some of my sisters by three of them. My mother was kept pregnant, so that 8 years later she had five more children, two of the girls were Irving's, and he also sexually abused them.

Pornography knows no privacy. We nine children slept in one bedroom, while Irving occupied his own bedroom, and the door between the two bedrooms was removed. We children were viewed as objects or things, and not people with feelings, who needed and had the right to privacy.

At 17 years old, as a young adult, I left home, and then my physical sexual abuse stopped, but I feared for my younger brothers and sisters, because I knew that Irving would use and abuse them, whether they were his children or not. So I told my mother about the sexual abuse at that time.

Carl told me and my mother that he would publish the sexual photographs that he had of me, if I did not stop exposing the truth. He also threatened me privately, saying to me that he would kill me, or have me killed, if he was sent to jail.

Senator SPECTER. Was there ever any criminal prosecution initiated against Carl?

Ms. HELLER. No, not at all. No.

Senator SPECTER. Was any complaint made to law enforcement officials, of these issues?

Ms. HELLER. No, you see, one of the problems in New York is there is a 5-year statute of limitations for reporting rape, and I did not realize what was happening to me, until I was 31 years old, so there has been no action taken against any of them.

So pornography to me is something that is used to control and tame women and children in this society. Because I kept my mouth shut after that, and so did my mother.

Incest and child sexual abuse are pornographic forms of conditioning in this society, and I will elaborate later on that.

In 1983, at a writers' conference, John Stoltenberg made this following statement: "Pornography tells the truth about men and lies about women." I cannot speak for men about their truths; as a woman, I can speak of women's truths. Certainly, three of the lies pornography tells about women are that we enjoy being used, that we want to be used, and that we consent to being used and viewed as objects

My life experiences demonstrates that I did not have a choice in the matter of consent. I was certainly not capable of enjoying anything about myself, and I did not want to be used, and I did not consent to be used or viewed as an object.

Believing my body was an object for use, because that was my training, that is exactly what I was told, many times, by my mother, that we girls are for use. I developed an attitude toward my body, and I decided that if it was so great, then I would let it maintain itself, and what I did was: I got involved with drugs, and I drank coffee, had drugs and cigarettes, and I just denied any reality of hunger, which leads to anorexia. The feelings of hunger that I had inside of me I interpreted as emptiness and worthlessness, and I maintained that life style for 8 years.

Pornography also is when the only touch taught to a child is abusive sexual touch. It was only 3 years ago that I realized that I was capable of feeling other things, other than sexual painful touch. Before then, I believed I existed only to be turned on like a light switch, by another person.

When I needed to be nurtured, I thought I needed to be used. Some of my previous lovers, and/or pimps, both male and female, would rape and beat me as part of our sado-masochistic sexual relating.

The day after, with bruises and marks on my body, I did not think I was hurt, although I was experiencing some pain. The aches and pains that I felt reinforced my distorted image of being special. The marks and bruises on my body were an indication and a way for me to measure my self-worth.

I think it is very important that everyone here remember that I was taught that because men were [deleted], that my body was there for their use, to fill their needs, that it meant that I was loved. So I got into life styles of prostitution, and of drug addiction, and of pornography, and of sado-masochistic relating.

At the age of 27, I was making videos, all of it involving bondage, all of it involving whips, and all forms of sexual abuse. I needed a lot of drugs in order to get through those experiences.

Senator SPECTER. That was at the age of 27?

Ms. HELLER. Twenty-seven.

Senator SPECTER. Ms. Heller, will you relate what it was about the pornography which caused the problems you have testified about at an earlier age?

You started off saying that your stepbrother, or your halfbrother, would take pictures of you, when you were 12 years of age?

Ms. HELLER. I think more around the ages of 13 and 14 is when that started.

Senator SPECTER. Now, the question on pornography, pornography of that sort, relates in some significant measure to how was that a causative factor in the abuse which you have described.

Ms. HELLER. OK. I considered it a normal way of existing. See, it was when I was 31 that I found out that there are other ways of living.

So I very willingly, at the age of 27, and here is the question of consent, see, since I was taught that abuse was the way of living, of course I consented to do and perform acts.

Senator SPECTER. Are you saying that you were of a view that that was a normal way of living?

Ms. HELLER. Oh, absolutely.

Senator SPECTER. Because you saw it depicted in pornography?

Ms. HELLER. No, I am saying that it was a normal way, because I was a child who was photographed in the nude, performing sexual acts, and so I did not realize that it was not a normal way to exist.

Senator SPECTER. But were you shown other pictures, of other children, doing the same thing?

Ms. HELLER. No. No. I had been sexually raped, anyhow, and now it was time for pictures to be taken, and as I said, Carl was waiting for me to turn 18 so he could put me on drugs.

Senator SPECTER. But the photography was an aspect which led you to conclude that if pictures were being taken it was OK?

Ms. HELLER. Sure, it was OK. This was a person that I thought I was madly in love with, also, because he cared about me, and it was different from my stepfather. I considered the abuse by my uncle, who is a pedophile, very different from the abuse from my stepbrothers or stepfather.

Senator SPECTER. How old was your stepbrother, when you were 14?

Ms. **Heller**. Twenty-eight. You see, I understand that it is men who incest, and/or sexually use children, who produce the pornography that pedophiles use. My uncle would only use us between certain age brackets, and he is very focused in on that age bracket. That is why I understand that he is a pedophile.

My stepfather and my stepbrother, they started the abuse, from age 12 up, and it continued. I have one sister who is a prostitute, and I have another sister whose daughter was incested for 8 years, starting at the age of 5. I have another sister who is a battered woman, and who also abused her child by beatings.

Senator **Specter**. Ms. Heller—go ahead, finish.

Ms. **Heller**. OK. I have two other sisters, and both of them are repeating the cycle of abuse in the present day.

Senator **Specter**. Ms. Heller, based on your own experience, and your general knowledge, how extensive, how pervasive would you say these kinds of contacts, and this kind of treatment is in our society?

Ms. **Heller**. I find it—we could be talking about one out of every three. I find it to be more of a norm, as opposed to an abnormal.

Senator **Specter**. More than one out of three are treated as you described your own treatment?

Ms. **Heller**. One out of every three women are, I would say, being sexually abused, in some variation or degree, yes, absolutely.

Senator **Specter**. By brothers, by fathers, or stepfathers?

Ms. **Heller**. Well, yes, we are finding at this point, within the incest community, that we are talking about 25 percent by biological fathers, we are talking about another 25 percent by extended family members, and then the other 50 percent we are talking about are authority figures within the child's life, whether school, or et cetera.

One of the questions that you asked earlier, and/or statements made, had to do with, child molesters, and in perticular those who were molested, it was stated that they become molesters. There is a big distinction that needs to be made.

Since 97 percent of our abusers are male, and there are two-thirds less male children being molested then female children, it is noteworthy to emphasize that female children who are molested do not molest. What we do is we turn our rage against us. We internalize that oppression, we get very angry, we cut ourselves up, we go on to drugs, we become prostitutes, as opposed to being able to act outwardly in this society, and that is just because of the dynamics of the power in the society.

Men are then allowed to act out after they become abused, and they become the rapists.

Senator **Specter**. Ms. Heller, this is a difficult question, but what has the impact of this kind of mistreatment been on your life? Are you able to pick up the strings and go on? What is the effect of a woman in her middle to late thirties?

Ms. **Heller**. I started being able to sort of come back and pull it together at the age of 31. I left home and went to college. I graduated with my degree in crimonology, and I was headed for my master's at the age of 24, and I fell short of being able to finish by writing my thesis. Today I can understand that at the age of 24. I could not deal with wholeness or completion because I had been taught that I existed only to be a part of another person, and that is one of the major side effects that happens with sexually abused children, and this is because our autonomy is never developed.

So I went "underground," that is when I started to get into battering relationships and drugs. It was at the age of 31 that I went to an incest survivors group, that I found out what the side effects were, and that my life in fact made sense.

OK, and I have been disabled also as a result of the sexual abuse. In the medical world they might call me a lupus person. I do not believe I have lupus. What I understand happens as my body swells up, at the different times, is that my immune system does not functioning properly some of the times, as well as my lymph system. It is directly related to stress.

One of the medical doctors confirmed my speculation which is; that I was addicted to adrenaline, based on the amount of stress that was in my life as a child.

[The prepared statement of Ms. Heller follows:]

PREPARED STATEMENT OF VALERIE HELLER

When I was asked to speak out against pornography , and after saying "yes, absolutely," I started to think about how I have been involved with pornography, and I began to examine my present experiences with porn. You may ask what I mean when I say "pornography." Well, one can choose an understanding of what pornography is. As I speak about pornography, today, I am talking about my life. I can no longer say, "in my childlife" I experienced sexual abuse, for that might imply that only as a child did I have to cope with the experience of being used sexually. As a female child, in our society, I was conditioned to live a violent, sexually abusive life and as an adult I have had abusive lifestyles--abusive lifestyles that have reinforced the conditioning, and have kept alive the side effects of sexual abuse.

What I remember most about Carl taking photographs of me, is that I was not allowed to do "certain things" while the pictures were being taken. I could, and in fact had to, do those same "certain things" when pictures were not being taken. I recall thinking, how come Carl does not want while pictures are being taken? Today I know why: because actual physical contact was considered hard-core porn and hard-core was not as easily sold as soft-core porn was. I was 14 years old and Carl, I think, was 28. It was just a month or two ago--nineteen years after the fact--that I have come to remember and acknowledge that my step-brother involved me in child pornography. I remember Carl saying he couldn't wait for me to become 18 years old because then he would put me on drugs. Carl had me in training for a life of violent sexual abuse. As I now think about porn, I realize that Carl's intent was to use me and to use my body for money and for sex. Carl's intent, unofficially socially sanctioned, is protected and accepted in our society.

George Morgan, my mother's brother, asked me when I was ten years old if he could . I asked why. I also said no. Uncle George then did whatever Uncle George wanted to do.
One day, while I was walking home with the groceries, arl pulled his car up to the curb,and, looking straight into my eyes, told me he would drive me home. Into the car I went, and . With my face red and lips slightly swollen I walked into my house, thinking only of how everyone must know my face is red because . Maybe by then I was 14, or maybe it was before the pictures were taken--I can't remember any more.

Another time, I heard a car pull into the driveway while I was hanging up clothes in the basement of our bungalow. I heard the door upstairs shut and a few seconds later Carl was in the basement with me. And I was .
Carl taught me that the best place to do things when you don't want to get caught was to do it right behind a closed door. When he heard someone approaching he pushed me off him; discarded.

I was standing in the back room of the tuxedo store with my stepfather, Irving. He glanced into the front room and then at me. Again darting his head, he checked the front door and then said to me, "there are no customers and no one else is in the store with us, so Val, lets go into the bathroom." In the bathroom things happened, and when he was done it was time to leave. I felt as if another violation was about to occur, because I feared someone had come into the store and wandered into the back room. On leaving the bathroom, feeling full of shame, I wanted to be invisible, to completely disappear. Prolonging my state of fear, Irving opened the door slowly, and pushed me out in front of him.

I was 12 years old when Irving told me to undress. Terrified, I did exactly as I was told. My feet no longer touched the floor because he picked me up and placed me onto the pressing machine. With one hand he pushed me back and held me down. He

At the age of 14 I was taken to a hotel to be alone with Irving for an entire week--I was told that it was "my turn for a vacation that summer". I do not recall very much about that week. I am not sure that he took photographs of me at that time. I do remember a part of the first night: my knees touched my shoulders as my thighs were pressed against my body; from my knees to my feet Irving's body weight held me in place as he raped me.

At the age of 13 I was always worrying about whether or not I was pregnant. Irving, Carl, and Robert had their own "little whore house" in a bungalow on Fernside Place in Far Rockaway, Queens, New York.

I was not even 16 years old and my life reality consisted of , posing nude, performing sexual acts, and repeatedly being raped.

Pornography is the interaction that occurs when a woman with four daughters, between the ages of four and eight, lives with a rapist and his two sons. Irving Feldman and his sons, Robert and Carl, raped all of "us girls" by the time we were 12 years old. I was raped by two of them; some of my sisters were raped by all three. My mother was kept pregnant by Irving, so that eight years later they had five more children, including two girls--two more girls to be abused.

Pornography knows no privacy. We nine children slept in one bedroom, while Irving occupied his own bedroom (my mother slept on the couch in the living room). Irving had the door between the two bedrooms removed.

We children were viewed as things or objects, not people with feelings--who needed, and had rights to, privacy. Privacy is essential to maintain inner harmony.

At 17 plus, a young adult, I left home; my incestuous physical abuse then stopped. But I feared for my younger sisters and brothers because I knew Irving would use and abuse them whether they were his own children or not, so I told my mother about the sexual abuse. But Carl told my mother and me that he would publish the sexual photographs he had of me if I didn't stop exposing the truth. He also threatened me privately, saying that he would kill me, or have me killed, if he went to jail. Pornography was created while as a child I was being sexually abused, and the same pornography was used to tame and to control my mother and myself as adults.

Incest and child sexual abuse are pornographic forms of conditioning which are a part of our society.

In each of the situations I described above, my body was the object used to sexually stimulate "them." I was taught how to

. The "them" I am talking about are the men in my family.

National statistics show that one out of every three girls will experience sexual abuse by the time she is 16 years old, and that one out of every eight boys will be molested by the time he is 13. I believe that sexual molestation of male children stops around the age of 13, because the patriarchal structure of our society empowers males to take action on their own behalf. It is acceptable, by society's standards, for males to strike back. When male children learn that they are protected within this society, some of them also then learn to rape and abuse. One out of every ten American families is sexually abusive to the children within it.

There are by-products which result from repeated rapes and from , and/or from having been sexualized throughout one's childlife. COYOTE, an organization of prostitutes and ex-prostitutes, reports that 80% of prostitutes were sexually used as children. Father Ritter from Covenant House, on 42nd street in N.Y.C., claims that 75% of runaways are running away from sexual abuse. Another by-product from this type of social conditioning is the existence of marital and date rape. One out of every seven women is raped in marriage by her husband. There are only 12 states where marital rape is considered a crime.

In 1983, at a writer's conference, John Stoltenberg made the following statement: "Pornography tells the truth about men and lies about women." I cannot speak for men about their truths; as a woman, I can speak of women's truths: Certainly, three of the lies pornography tells about women are that we enjoy being used, that we want to be, and that we consent to be, viewed as objects.

My life experiences demonstrate that I did not have a choice in the matter of consent. I was certainly not capable of enjoying _anything_ about myself, and I certainly did not want to be, and did not consent to be, viewed (nor treated as) an object.

One of the techniques I learned in order to survive the use of my body was to separate or detach from, as well as deny, my emotional and physical needs. In my mind, I decided to _leave_ my body--on the bed or anywhere else--and I concentrated on not acknowledging being hurt, nor experiencing pain. This process kept me from being connected to my own bodily needs and functions; so that even now, 19 years later, I can choose to be in harmony with my body only in environments that I know to be safe.

In order to do this, I must talk out my past, and acknowledge, identify, and experience for the first time the pains of the different traumas I have lived through.

I have often envisioned our bungalow as a concentration camp. I identify with, and understand the suffering of prisoners in such camps. I felt imprisoned in the bungalow, in the back room of the tuxedo store, and in the basements of both. I also felt imprisoned in my body; and I believed it was my body that imprisoned me.

Believing my body was an object for use,I developed an attitude towards it: I decided that if my body was so great, then I would let it maintain itself. I lived on coffee, drugs, and cigarettes for eight years; I denied hunger, actually interpreted the feelings of hunger as emotions of worthlessness. (With this understanding, I believe that most anorexics are attempting suicide by starvation because their bodies are being viewed as objects that are sexually stimulating for others.)

Sadistic, sexually aroused men in powerful positions, such as pimps--and some stereotypical fathers, viewed as upstanding men in our society--have erections and come to climax as they watch the face of the child they are raping. The human body is naturally designed to respond when stimulated, in any way and at any age. When the child's body sexually responds, this excites abusers, and further alienates the child from her or his bodily reactions.

Pornography is when the only touch taught to a child is a sexual touch. Until three years ago, the type of touch I was capable of feeling was only the sexual, abusive, and painful touch. I believed I existed only after I was turned on, like a light switch by another person.

When I needed to be nurtured I thought I wanted to be used. Some of my lovers or pimps, both male and female, would rape and beat me as part of our sado-masochistic sexual relating. The day after, with bruises and marks on my body, I did not think I was hurt, although I experienced some pain. The aches and pains I felt reinforced my distorted sense of being special. Marks and bruises and being used were the ways in which I measured my self-worth.

You must remember that I was taught that because men
and using it for their needs, that meant that I was loved.

Senator SPECTER. Thank you.

Let us turn to you, Ms. Smith, at this time. We welcome you here, and appreciate your joining us, and look forward to your testimony.

STATEMENT OF PEGGY SMITH

Ms. SMITH. I am an adult victim of child sexual abuse. Starting at the age of 4, old Mr. Edwards, a neighbor and close friend of the family.

Senator SPECTER. Could you bring that microphone a little closer?

Ms. SMITH. Enticed me to take baths at his house

Senator SPECTER. You say starting at age 4?

Ms. SMITH. Age 4. So he could watch and touch me. This went on for 5 years, during which he had me wearing his wife's clothes, and eventually having oral sex and being penetrated by him.

Senator SPECTER. At what age was that?

Ms SMITH. Age 4 to 9. He used pornography, to show me how to be, and what to do. So I didn't see anything wrong with anything he did to me, or have me do to him. I became addicted to sex as a way of getting through life.

I also became an alcoholic. I was married at age 16. My marriage was purely sexual. I put up with more pornography because I thought it would secure my marriage, but it destroyed it.

The next 20 years were filled with multiple relationships with men, who were middle-class white, and blue-collar workers. Although it is quite difficult for me to talk about, I can share that I was hit and punched, because I refused to allow a partner to put his fist in my vagina, as in the same fashion as in one of his pornographic magazines.

Even though I was already acquainted with oral sex, from age 4, for me it was painful and terrifying. No matter how hard I would resist, men would eventually have their way with me, telling me to relax and enjoy it, like the woman in the "Deep Throat" movie. This was not an act of sexual intimacy, it was forceful, degrading, and on many occasions left me bruised and gagging, with dry heaves for hours.

During these years I could not understand why the sex acts were to be performed on me, and I was expected to perform, were so painful, and left me feeling abused and battered. The confusion for me was the message that society gave, that such acts were performed by women called whores, bitches, and tramps. And at the same time, that all women needed to become sexually unhibited, or they were prudish, frigid, or queer.

All this was reinforced by the pornography, that depicted total submission and enjoyment on the faces of the women in the pornography.

For years I lived with the belief that my only value as a woman and person was determined by the amount of sexual pleasure I could bring men. I was good, if they were happy.

After years of pain, and confusion, and abuse, I entered into a relationship with a man that lasted for 5 years. During this time I thought I was free of pornography, and I believed that I was protecting my children from pornography. I was hoping to find safety, security, and acceptance, for myself, as well as my 12-year-old son and 7-year-old daughter.

It was not until 6 months after my leaving this relationship that my son was able to tell me that he had been molested by this man. This man had used pornography to sexually arouse my son, so that he could molest him. He had him wear woman's underwear, so that he would resemble the pornography, while he would molest him.

It was 18 months later that my daughter was able to talk about being molested by the same man.

Senator SPECTER. How old was your son at that time?

Ms. SMITH. When he told me about it?

Senator SPECTER. No, when he was molested, as you described it.

Ms. SMITH. It started at age 14.

Senator SPECTER. How old was your daughter?

Ms. SMITH. She was 7 when it began for her. She also told me about being molested by her brother, and one of his friends. He was using pornography magazines as teaching guides.

My daughter was also a victim of gang rape, by four teenage boys, who used pornography magazines stolen from a local convenience store in the neighborhood, to threaten and terrify her. They made her pose in the same positions as in the pornography magazines, and then ridiculed her because her body was not as good as those of the pictures. At that time she was 11 years old.

What I have just shared with you is a brief outline for my children and myself. It has taken 3 years to work the pain and confusion of almost 40 years, and now I am finally being able to treat myself with the love and respect that I deserve.

I have been able to achieve an emotional balance in my life. While sorting through what has happened to my children and myself, I have come to the conclusion that pornography is an insideous threat to mental and physical health. It debases the true function and meaning of sexual impotency, it incites the social activities.

There are those that argue that pornography does not have victims. I can tell you that the wounds and scars that pornography has left me with are not always visible, but the effect is psychological murder.

I have never been able to complete an education, or hold any productive employment. I have two children out of wedlock, and spent most of my life in aid to families with dependent children. I wonder what my life would have been if the pornography had not happened, or if there had been a way to do something about it.

It has been only recently that I have come to understand how pornography is used against women all the time in this country. In Minneapolis, the city council had hearings last December on the civil rights ordinance of pornography. Women told how they had been forced to do what the women in the pornography were doing. Some of them thought it was normal, because that is all they had known all their life.

I think we need to stop this insanity, if it allows violence against women to go on, without giving them any way to fight back. To my knowledge, there is no way to do that now.

I supported the civil rights ordinance in Minneapolis because it gave women, the victims of pornography, a way to fight back, and stand up for their rights. Unless people who profit in the making and selling of pornography are hurt, they will continue to hurt all of us.

I know about pornography, because I have lived through the hell because of it. But also, I think all of us are hurt by it, whether we see it in magazines or not, because of the attitudes about women it produces in the readers, I think it is time our Government did something about it.

Thank you.

Senator SPECTER. Thank you very much, Ms. Smith.

When you describe what happened to you, starting at the age of 4, where you say that you were shown pornography, which you thought, since you saw it in a picture, was all right, what year was that, what time span are we talking about? Because the literature available——

Ms. SMITH. What year did it begin?

Senator SPECTER. Yes.

Ms. SMITH. I was born in 1939, so I imagine it has been about——

Senator SPECTER. 1943 to 1948?

Ms. SMITH. Yes.

Senator SPECTER. Well, it is a long time ago, and you were very young, but what do you recall was the kind of pictures that you were shown?

Ms. SMITH. A lot of it I blocked. I do remember he had a basement, a carpenter shop, and nude photos on the wall. There were never any magazines, it was always individual photos.

Senator SPECTER. Individual photos?

Ms. SMITH. Yes. Someone I have been able to go back and bring forward.

Senator SPECTER. And when you saw those photos at a young age, 4 to 9, you thought if it was in a photograph that——

Ms. SMITH. It started very suddenly. It started with nude women, and then partners acting in sex, and then oral sex, and there was one picture with an animal, and he very suddenly seduced me. It was not that he jumped into the immediate sexual behavior.

Senator SPECTER. Was he related to you?

Ms. SMITH. No, he was a neighbor, up the street.

Senator SPECTER. Did you ever talk to your mother?

Ms. SMITH. I did not realize what was happening to me. My mother was a single parent working daily. I felt lonely, I did not understand what was going on, and he used my vulnerability to abuse me. He passed himself off as a friend, he took me everywhere. I was able to play the grand piano. It was a careful, subtle seduction.

Senator SPECTER. How widespread do you think this kind of problem is in this country?

Ms. SMITH. I can tell you right now that back in January, or April, we had a project abuse on television. We are now running again three times as many cases reported of child sexual abuse, this time this year, as we did last year.

I agree, I would say one in three, possibly more. There are so many children that will not talk, and there are so many children that do not get into the statistics, because it is not prosecutable.

Senator SPECTER. Why do you say it is not prosecutable? It is prosecutable.

Ms. SMITH. Not if the statute of limitations runs out. I did not go into the statistics. My daughter is not in the statistics. There was never a prosecution for her.

Senator SPECTER. You are correct, if the statute of limitations has expired, but there is a period of time during which it is prosecuted.

What advice would you give to mothers, or to children, who may be hearing your words?

Ms. SMITH. The only way that children are going to speak out, is to make sure that other people hear about it. Mothers have no way, really, of knowing what is going on. I lived in this house with this man for 5 years. You never saw pornographic material. It was never in my own home as a child.

I mean, it is insidious how subtle it is, and how well it is covered up.

Senator SPECTER. You testified about being married at the age of 16, and you had to put up with more pornography. Could you amplify what occurred at that time? You are now in a timeframe of 1955. By 1955 there is not much pornography on the newsstands; that is, U.S.-produced pornography. What kind of pornography are you speaking of?

Ms. SMITH. Pornography never had to be on the newsstands to be available. It has been available for probably longer than I can remember, and most of the people here.

I cannot go into explicit details about the sexual abuse during that period. I can tell you it was horrendous.

Senator SPECTER. Do you want to add something?

Ms. HELLER. I would like to add something here.

One of the things that I find rather amazing, with my sisters, in particular my 39-year-old sister, when I went to talk to her about the sexual abuse that she underwent, she said to me that she was approached, and that was very inconsistent with what my memory was, so it took me about 3 days to talk with her, and to find out that she had been repeatedly raped at the age of 12, and so what we have here, is that we have a distortion that has been maintained in the woman's mind for well over 15 years.

And so a lot of times we do not have women who can come out and turn around and say that these things have happened to us, because the identification of our processing has not been put forth.

You know, I have also heard you ask for suggestions in reference to what to do about this. I think it is really important, that we enforce the child abuse laws that presently exist, especially the mandatory reporting law, there were school officials that knew about what was going on in my house, there were police from the local precinct who knew what was going on in my house. None of these people took action. All of these people, today, by law, are required to report this.

Now, in New York State it is a misdemeanor for child pornography, and recently we had hearings about this, and it is still a misdemeanor in New York.

So I think it is very important that we turned around and enforce the present laws, and press charges, and criminally prosecute, instead of sending the men to therapy, then we would make somewhat of a dent.

Also, if we want to get accurate figures, you have to get into the side effects communities to get accurate figures. You have to talk to the prostitutes, because 90 percent of us were sexually abused as children, you have to talk to runaways, anorexias, overeaters, you have to look at all the side effect communities to find out what the actual statistics are.

Senator SPECTER. Well, I quite agree with you, and we have been doing some of that with our first panel this morning.

Thank you very much, Ms. Heller and Ms. Smith. Your testimony is very enlightening. We very much appreciate it.

I would like to move now to our last panel.

Earlier in the testimony we have had a number of references made of the degrading acts performed on women, or that women were performing, under so-called compulsion, and part of the material on that, this next panel is going to be testifying to.

Ms. Marchiano has had, in the public view, a very dramatic story as to compulsion, which has attracted a great deal of public attention as a result of the movie in which she appeared back in the early 1970's, "Deep Throat," under the name of Linda Lovelace.

Let us begin with you. You pronounce your name, Marchiano?

STATEMENTS OF A PANEL CONSISTING OF LINDA MARCHIANO, NEW YORK CITY, NY: AND SUE BROWN, MINNESOTA

Ms. MARCHIANO. Marchiano.

Senator SPECTER. We appreciate your coming, as it is with the other woman who have testified, we understand that this is not easy, but the subject matters are of importance, and they do provide a factual background for the Congress to make an evaluation as to what action should be taken, it is a matter of public policy, and what action may be appropriately taken, given the first amendment rights which we have discussed earlier.

You may proceed.

Ms. MARCHIANO. OK. First of all, I want to say thank you to all who are responsible for my being here to speak. I only hope that your doing so means that my Government, and therefore my society, is ready to address the dark side of pornography.

My story is a common one. I was young and naive. My ordeal began when I had the misfortune to meet a Mr. Charles Traynor, whom when I first met him, was a gentleman, so much so that he was the kind of guy that your mom would want you to know.

When I first met Mr. Traynor, my parents and I were not getting along, and Mr. Traynor offered a way around the problem. I look back now, and I know he was definitely taking advantage of the situation.

We had a platonic relationship until the day I told him that I wanted to leave, and at that point I was beaten physically and mentally, and my imprisonment began. From that day forward, I was not my own human being.

Mr. Traynor would be the first to say he took a naive girl, who was embarrassed to take off her clothes in front of a man, and turned her into what he thought was a super sex freak.

I was then forced into a marriage with Mr. Traynor, on advice of his attorney. I literally became a prisoner of his, and was not allowed out of his sight, not even to go to the bathroom, for he feared with a window in the bathroom I could make an escape.

Mr. Traynor, through threats on my life, and the lives of my family and friends, by means of an automatic 45, eight shot PPK, through a semiautomatic M16 machinegun, forced me into prostitution, pornography films, and ultimately celebrity satisfier.

Due to my involvement in pornography, I have seen the type of people involved in it, the callousness, and the inhuman way that they are only looking to make a dollar. It does not matter to them whose little girl they use.

So many people ask why I did not get away. Well, I did, but it was not easy. I made three unsuccessful attempts at escaping, and suffered a brutal beating for trying, and some sick sexual perversion as punishment. After three unsuccessful attempts at escaping, I realized that I would have to create a master plan, and so for the next 6 months I did what I could to convince Mr. Traynor that I was into what he was into, and thank God, when my time came, I had someone who wanted to help me, and when I first escaped from Mr. Traynor, I was hiding out in hotels, and I had someone who was bringing me different colored wigs, and clothes, and going from one hotel to another, and I had hired two bodyguards, 24 hours a day, to protect me, until I ran out of finances.

Then someone said, why do you not simply call the police. So I did. I called the Beverley Hills Police Department, and I told them that my husband was running around with a 45 and an M16, to kill me, and they just told me they could not get involved in domestic affairs.

So I said, fine, I can accept that, but he is illegally possessing these weapons, can you do something about that. They said, lady, call us back when he is in the room.

Linda Boreman, which was my name when I grew up, had been shot in that hotel room, when I was thrown into a hotel room that day, had I been shot that day, no questions would have been asked. I would just simply have been another prostitute, or someone who was beaten and used by her clientele.

But had Linda Lovelace been shot in California, there would have been questions asked. Fortunately, for me, in one respect, and unfortunately, the name Linda Lovelace gave notoriety, and therefore gave me some sort of protection. It took me 6 months of convincing Mr. Traynor that I was into beatings, that sexual perversion was all right, and the fact that a woman was to be used by a man, to be abused, and make money.

And after 6 months, I acquired 15 minutes out of his presence. I am free from Mr. Traynor today, but my ordeal still goes on. The film, "Deep Throat," still shows, and virtually every time someone watches that movie, they are watching me being raped, and it is very difficult, because I have two beautiful children, and I do not think it is fair.

I tried to raise my children to go by the rules of our country, and the rules of the schools, and the laws, and the regulations we all should abide by, but the other day my 8-year-old son said to me, mommy, if this country is so great, how come people are still hurting you. And I had a hard time with that one, trying to answer him, and give him an honest answer.

I am also still being financially raped by Mr. Traynor's lawyer, who has already used me and abused me physically. So many people said that I have such a smile on my face in that film, and that I was having such a good time, but you know what, no one ever says where did the bruises come from.

After the first day of shooting I suffered a brutal beating in my room. The whole crew of the film "Deep Throat" was in an adjoining room, and Mr. Traynor and I were in another, and he started yelling and screaming at me for smiling on the set that day.

And in my mind, I thought, well here is a chance, there is a whole room of people, somebody is bound to help me. And as he was beating me up, and bouncing me off walls, and punching me, and everything, the room became very quiet, but nobody came to help me.

And the next day, the greatest complaint was the fact that there was bruises on my body, because Mr. Damiano felt that destroyed that little girl next door, innocent look that he was looking for.

Senator SPECTER. How many people were present when he was punching you, as you described it?

Ms. MARCHIANO. Well, I was not in the other room, but I would say there would have to be 10 to 12 people in the other room.

Senator SPECTER. But they were in the adjacent room, and not in the precise room that you were in?

Ms. MARCHIANO. No, not in the precise room, in the hotel, they run one room after another, well, there was a door adjoining the two rooms. We were in this room, and they were in the next room.

Senator SPECTER. But you believe that they could hear what was going on, from the noise?

Ms. MARCHIANO. Oh, sure, because they were all partying and laughing, and music was going, and when I started getting beat up, they became quiet, and the music was shut off. But nobody came to help, and the next day, the greatest complaint was the bruises, and how to cover them up, and what kind of makeup to use, and that was the thing that they were really interested in.

Senator SPECTER. Ms. Marchiano, you referred to bruises, as a point of corroboration of what you have testified to here today, and have said in the past, what physical bruises, and what marks are left on your body as corroboration for what you have said here about Mr. Traynor?

Ms. MARCHIANO. My physical health, right now?

Senator SPECTER. Yes.

Ms. MARCHIANO. Well, I had to have surgery on my right leg. I used to use my right leg to protect my body, when he was kicking me. So all the surface veins in my right leg are broken, and need to be removed.

I was also forced into having illegal silicone injections, and I have to have—they have to remove my breasts, and see how much tissue damage there is from the silicone, and then, depending on how much damage they find, is whether or not they will be able to, you know, do plastic surgery, and rebuild them.

I guess the greatest scar of all was about 2 years ago, because of the beatings I suffered from Mr. Traynor, and everything else, I had to have an abortion. My doctor told me that because of what I went through, there was a good chance that I could be crippled for life, and so that was the only time, that is part of what Mr. Traynor did to me, and I think that is the first time that I ever really felt hatred upon him.

Senator SPECTER. Ms. Marchiano, one of the questions we have been exploring here, in a variety of contexts, involve the possible remedies that women have when they are wronged by somebody.

Have you, or your attorneys, considered suing Mr. Traynor, either for damages, or to stop the future showing of "Deep Throat?"

Ms. MARCHIANO. Well, first of all, in our country the statute of limitations on your own personal self, is only 2 years, whereas on property it goes up to 20 or more. I think it is fairly important that the society realize that when you are held prisoner for 2½ years, and you have gone through so much degradation and humiliation, when you are finally free, you do not bounce back to where you were before. It takes time.

It has been 12 years for me, and there are still times when I am with my children, that I just cry when I think of something that I went through.

Senator SPECTER. How about the aspect of suing to stop the further showing of "Deep Throat?"

Ms. MARCHIANO. I was told that an injunction could be place on the showing of the film, but I was also told that it would take at least $500,000 to get everything started. And I do not have that kind of money.

Senator SPECTER. So you have not started that kind of an action, because of the expense involved?

Ms. MARCHIANO. I cannot afford it, no.

Senator SPECTER. Please proceed with your testimony.

Ms. MARCHIANO. OK. Well, I think that I was mentioning about the bruises on my legs, and all. And I think it is really important that when people do not care enough about people, it should become an issue.

This accepted film caused me pain, and my society and Government have accepted pornography, knowing it smiles. Now I am telling you about its bruises. "Deep Throat" made $600 million, and I received the physical pain, and the brand Linda Lovelace.

The wounds may heal some day, but Linda Lovelace remains, because that is the law, so far.

Pornography destroys the family unit, and the family is a foundation of our country. If you have any doubt, remember that the youngest victim of child pornography was 13 months old. Remember also the women and young boys who are raped and murdered, and look down to us to care about them and others, and then to do something in our lifetime to make the change.

My contribution here today is one of informing you of what I went through, the so-called classic film that had created a myth, and had helped give pornography acceptability, was made under physical duress. I can only tell you of my ordeal, but I must add that I believe there are many others out there in a similar situation.

I have been on a program in Boston, with a psychiatrist, and he said that the only difference between my story and what goes on in society today, is that I am alive to tell about it. He said most of the women are abused by pimps and pornographers, and they are injected with heroin, or some sort of drug, and tossed in an alleyway, and he said when the police find them they assume it is a prostitute, or a junkie that has OD'd, and it stops their investigation.

We have gone from the acceptability of "Deep Throat" in 1972, to child pornography, to snuff movies, and the mutilation of women in 1983 in Arizona, to the sexual abuse of young children in our day care centers, by city employees, in the city of New York.

My question is, what is next?

I hope that I have helped you. If you have any more questions, I would be happy to answer them.

Senator SPECTER. So your basic point is that "Deep Throat" got $600 million, and you got a lot of bruises?

Ms. MARCHIANO. That is not the main point. The main point is that they took a human being, and through pain and degradation and beatings and constant threats, forced me to do something that I never would have become involved in, had it not been a 45 put to my head.

Senator SPECTER. And you believe, Ms. Marchiano, that the pattern of women's responses, who are actresses or models, who are subjects of photographs, that to a significant extent replay your situation of being coerced, forced to do so?

Ms. MARCHIANO. I think some of them are. I am sure there are those out there that want to do it, that are doing it voluntarily, but there are those, you know, who do not, who would never get involved in it at all.

Senator SPECTER. And what is your response to those who say that the movie like "Deep Throat" ought to be permitted to be shown, under the constitutional protection of the first amendment?

Ms. MARCHIANO. What about my first amendment rights? What about my rights as a human being? You know, it is not fair. Like I said before, every time someone sees that film, they are watching me being raped, and I am trying to teach my children good, and then they turn around and see that, I was raped, I was beaten, and this film is still being allowed to be shown, and people are still making money off of it, and my family and my children and I are suffering because of it, it is not fair, it is unhumane.

Senator SPECTER. Thank you very much, Ms. Marchiano.

I would like to turn now to Sue Brown.

We welcome you here, appreciate your presence, and look forward to your testimony.

STATEMENT OF SUE BROWN

Ms. BROWN. Thank you, Senator.

I am Rev. Susan Wilhem. I had not realized the extent of the harm that pornography has done to me, until this past winter when I was working on a photo montage of the kinds of pornography for an educational forum.

I came across a picture of a position that my ex-husband had insisted that we try. When we did, I found the position painful, yet he was determined that we have intercourse that way. I hemorrhaged for 3 days, and my bruised cervix is an ongoing reminder of that pain

My father had used soft core pornography. He started mostly with adventure magazines, and also had some of the detective magazines in the house. Nobody claimed that they were intellectual articles. I was not supposed to read them, but I read everything that was in the house. They presented the women in two ways, either the woman was a dumpy fishwife, with her hair in curlers, who always nagged, or she was beautiful, sexy, and always available.

The short, dumpy ones were sexually used, too, but the man did not appear to enjoy them. That was my primary education about the roles of women in our society.

Most of my sex life with my ex-husband was very abusive. He had a lot of pornography around the house, both the slicks and the hardcore. He always went to another city to buy it. After reading it, he expected that I would want to do the things that were pictured in the pornography. He kept saying that our sex life was, and that I was, dull, blah, and unfun.

When we were first married, he did not use pornography, and did not drink. He started drinking first, but the sex became especially abusive after he started using pornography. He got his ideas from it, and having sex how he wanted it was not negotiable. He developed a fetish about pubic hair. He hated it.

I recall that he had several of the so-called shaved pussy magazines. He used to shave his pubic hair, and insist on shaving mine. One time, when he was shaving me, he said his hand slipped, and he slit my clitoris. He claimed it was an accident.

If he decided that I liked something, he would try to kill it, like the dogs we had. I have recently learned that this is also a theme of pornography. I am convinced that he tried to kill me more than once. He also had many subtle ways of trying to kill my spirit.

He exposed me to pornography, too. Once we saw an X-rated film that showed anal intercourse. After that he insisted that I try it. I agreed to, trying to be the available willing creature that I thought that I was supposed to be. I found the experience very painful, and I told him so. But he kept insisting that we try it again and again.

And the verbal abuse I had heaped on me, to try to force me to do this, was that he would tell me that my vagina had become as sloppy as an old sow's, and he could not get pleasure any other way.

He also used to frequently pinch and bite me, as part of massaging my breasts. Whenever I would say "that hurts, stop," he would say, "no, it does not." I became numb. I lost track of my feelings.

One time, near the end of our marriage, he said, in reference to himself, sexually, "it is supposed to hurt." Something started to change for me then.

It seems to me that businesses in this country are run on what their products earn, and right now pornography earns $7 billion a year. If pornography were not so profitable, fewer people would be investing and making it.

One reason that pornography is so profitable is that if the product causes anyone harm, the manufacturers will not be sued. If a manufacturer can be sued for the product's potential harm, the cost of the potential lawsuit would be included in production.

I have been harmed by pornography. Obscenity laws did not prevent the harm, and the harm caused by pornography will not be stopped by hiding it in backrooms, or selling it under the counter, or putting it under opaque covers. The harm caused by pornography will stop when the cost of causing the harm is greater than the profit.

I would like some legislation that gives victims the right to sue those who make the pornography, those who distribute it, and those who sell it.

Thank you.

Senator SPECTER. Thank you very much, Ms. Brown.

When you were testifying about your husband getting his ideas from pornography, what timeframe was that?

When were you married, and when did he first start to utilize this pornography?

Ms. BROWN. He started using pornography in 1972. I was married from 1969 to 1978.

Senator SPECTER. And what sort of pornography did he have access to? Was it popular magazines?

Ms. BROWN. Both the slicks, Penthouse, Playboy, Hustler, and then the more hardcore materials.

Senator SPECTER. Did he look at Penthouse, Playboy, Hustler, and show these magazines to you?

Ms. BROWN. Yes, he did.

Senator SPECTER. And it was from these pictures that he sought to duplicate your own activities?

Ms. BROWN. Yes.

Senator SPECTER. When you talk about a cause of action which you would like to have, to be able to sue those who have injured you, are you referring to a cause of action against the publishers of those magazines, on the ground that their publication was the cauastive factor, and damage which was done to you?

Ms. BROWN. I believe they are part of it. They are part of the whole society that accepts that it is OK to treat women as degraded objects.

Senator SPECTER. It would be, I think, a novel approach to institute a suit on that basis, but it might not be beyond the scope of what could be done.

Have you consulted with any attorney, or considered any such lawsuit against one of those magazines as a causal factor in the injuries you have sustained?

Ms. BROWN. I have not. At this point, I did not realize the harm that had been done to me, that it was related to pornography, until I had been out of the marriage for 6 years.

Senator SPECTER. And you were out of the marriage in 1978?

Ms. BROWN. Right.

Senator **Specter**. You are a part of an organization, as your button depicts, Women Against Pornography?

Ms. **Brown**. Yes.

Senator **Spector**. And what sort of activities do you undertake as a part of that organization?

Ms. **Brown**. I am not a member of Women Against Pornography. I am very active with the Pornography Resource Center in Minneapolis. The Pornography Resource Center is an educational organization of—organized to help people understand what pornography is, and the damage that it does.

Senator **Specter**. Ms. Brown, what is your own view as to how extensive, or pervasive the kind of experiences for other women would be, other married women, in a similar circumstance to the situation which you have described here today?

Ms. **Brown**. I do not have a lot of statistics. I sense that a lot of women have experienced what I did, the abuse happened very secretively, as I said, my ex-husband would always go to another city to buy the pornography.

Senator **Specter**. Why would he do that? Playboy and Hustler and Penthouse were in Minneapolis, were they not?

Ms. **Brown**. We were not living in Minneapolis at that time. We were living in a very small town.

Senator **Specter**. I see. And the small town did not have those magazines?

Ms. **Brown**. I do not know whether they had them or not. I suspect that he would not have bought them there, even if they did. It was also the town where his family lived.

Senator **Specter**. What are your feeling as to the pervasiveness of this kind of situation, the one you found yourself in? Do you think many other women are in the same situation?

Ms. **Brown**. I think many other women have been, yes.

I think what happens in situations like mine, as contrasted with Linda's, is that we first identified—I first identified that I was a victim of marital abuse, and of marital rape. It was only, as I say, much more recently that I realized the part pornography had played in that.

Senator **Specter**. What are your own thoughts, Ms. Brown, as to the issue of first amendment protections that would be involved, if a cause of action were created, say at the Federal level, to enable a woman in your position to sue the publishers of these specific magazines, which you think caused your husband to act in the way that you have described?

Ms. **Brown**. I am not a lawyer. As I said, I have been active in the Pornography Resource Center, and they do support a civil rights approach to pornography. And I would——

Senator **Specter**. Which has led to the Minnesota ordinance?

Ms. **Brown**. Right.

Senator **Specter**. Well, thank you very much, Ms. Marchiano, Ms. Brown, for coming over today.

The testimony which we have heard is very pervasive and very extensive on the nature of the injury to children and to women from pornography, and we will be scheduling a subsequent hearing on the range of potential remedies which the Congress might consider. At that time, we will have representatives of the American

Civil Liberties Union testify as to the first amendment issues, and the publications which have been identified here will be given an opportunity to respond.

We are not issuing any subpoenas, or not pressing anybody to come forward, strictly on a voluntary basis, if people choose to give us their views, which is our procedure, but we will be searching on the variety of subjects which we have touched upon today, to see if there is a reasonable equation of civil rights, testimony was heard from Ms. Goldsmith about racism, and sexism, and the balancing of the very important issues that we have on first amendment freedoms, but it has been a very informative hearing, and we thank you all for being present.

[Whereupon, at 11:40 a.m., the subcommittee adjourned, subject to the call of the Chair.]

EFFECTS OF PORNOGRAPHY ON WOMEN AND CHILDREN

TUESDAY, SEPTEMBER 25, 1984

U.S. Senate,
Subcommittee on Juvenile Justice,
Committee on the Judiciary,
Washington, DC.

The subcommittee met, pursuant to call, at 10 a.m., in room 226, Dirksen Senate Office Building, Hon. Arlen Specter (chairman of the subcommittee) presiding.

Staff present: Mary Louise Westmoreland, chief counsel; Bruce King, counsel; and Tracy McGee, chief clerk (Subcommittee on Juvenile Justice); Ralph Oman, counsel; Tom Olson, counsel; and Pam Batstone, chief clerk (Subcommittee on Patents, Copyrights and Trademarks); John Podesta, minority counsel (Subcommittee on Security and Terrorism); Renn Patch, counsel; Beverly McKittrick, counsel; and Ben Scotch, counsel (Subcommittee on the Constitution).

OPENING STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA, CHAIRMAN, SUBCOMMITTEE ON JUVENILE JUSTICE

Senator Specter. Good morning, ladies and gentlemen. We will begin this hearing of the Juvenile Justice Subcommittee.

I regret a slight delay in beginning this morning. There is a markup going on at the moment on the continuing resolution in appropriations which has to be completed before the end of this fiscal year. I was delayed there to help make a quorum, and it may be that I will have to return there as specific issues are taken up, which may delay this hearing to some extent, and I also regret to say that I have to be on the Senate floor for a few moments around 10:20 or 10:30 on the terrorist issue, but we will proceed as expeditiously as we can on this hearing, which is a continuation of a series of hearings which we have had on the subject of pornography, the impact on children, a possible cause of child molestation, as we have seen a proliferation of magazines and books, like the book, "How to Have Sex With Children," a really remarkable book in the book stores, describing how adults can meet children, entice them, have a sexual relationship with them. At a series of hearings on pornography, magazines of a variety of courses, inquiring into the subject of their impact on problems with child abuse, child molestation, problems of conduct against women. We had a series of witnesses on that subject, and today we are taking up the subject as to what sort of legislative responses there might be on this important subject.

I am very concerned about the first amendment rights and first amendment freedoms. Nobody said it better than Oliver Wendell Holmes years ago when he said: "The right of freedom of speech is critical, but it does not give someone the right to shout fire in a crowded theater." That same doctrine may have some appropriate limitations when dealing with pornography. It is a very difficult subject, and this subcommittee makes no prejudgments on the matter at all except to note the importance of the issue on both sides.

[The prepared statement of Senator Denton and additional material follow:]

PREPARED STATEMENT OF HON. JEREMIAH DENTON, A U.S. SENATOR FROM THE STATE OF ALABAMA

I COMMEND YOU FOR YOUR CONCERNED EFFORTS AND CONTINUED COMMITMENT TO THE COMPLEX SOCIAL AND LEGAL ISSUES INVOLVED IN PROTECTING OUR NATION'S YOUTH AGAINST PORNOGRAPHIC EXPLOITATION. SPECIFICALLY, I COMMEND YOU FOR SCHEDULING AN ADDITIONAL OVERSIGHT HEARING ON SEXUALLY EXPLICIT PUBLICATIONS AND THE RANGE OF ALTERNATIVES AVAILABLE TO REMEDY THE HARMFUL EFFECTS OF PORNOGRAPHY. YOUR LEADERSHIP IN THE SUBCOMMITTEE HAS DEMONSTRATED A SENSITIVITY TO THE CONSTITUTIONAL PROBLEMS INVOLVED, AS WELL AS AN INTEREST IN EXAMINING ALL POSSIBLE AVENUES FOR APPROPRIATE LEGAL ACTION IN CONNECTION WITH THE PORNOGRAPHY QUESTION.

MR. CHAIRMAN, THE UNITED STATES SUPREME COURT IN NEW YORK V. FERBER HAS STATED THAT THE "PREVENTION OF SEXUAL EXPLOITATION AND ABUSE OF CHILDREN CONSTITUTES A GOVERNMENT OBJECTIVE OF SURPASSING IMPORTANCE." I AM SURE THAT WE WOULD ALL AGREE THAT THE PREVENTION OF SEXUAL EXPLOITATION AND ABUSE OF ALL INDIVIDUALS - MEN, WOMEN, AND CHILDREN - CONSTITUTES A GOVERNMENTAL CONCERN OF THE HIGHEST ORDER.

THE USE OF HUMAN BEINGS AS SUBJECTS OF PORNOGRAPHIC MATERIALS IS VERY HARMFUL TO BOTH THE PERSON USED AND TO SOCIETY AS A WHOLE. THE USE OF LIVE MODELS AS SUBJECTS IN SEXUAL PERFORMANCES, FOR "ENTERTAINMENT PURPOSES", HAS GROWN TO SHOCKING PROPORTIONS. THIS FACT HAS BEEN WIDELY DISCUSSED AND HAS BEEN THE SUBJECT OF EXTENSIVE TESTIMONY IN THE SUBCOMMITTEE.

WE HAVE ALSO HEARD TESTIMONY WITHIN THE SUBCOMMITTEE THAT INDICATES THAT SEXUALLY EXPLOITED PERSONS ARE UNABLE TO DEVELOP HEALTHY AFFECTIONATE RELATIONSHIPS IN LATER LIFE, THAT THEY MAY

HAVE SEXUAL DYSFUNCTION, AND THAT THEY BECOME VICTIMS IN A CONTINOUS CYCLE OF ABUSE.

AS A MEMBER OF THE COMMITTEE ON THE JUDICIARY, I PRESIDED OVER HEARINGS ON THE SUBJECT OF ORGANIZED CRIME'S INFLUENCE IN THE PORNOGRAPHY INDUSTRY, AND AM FAMILIAR WITH THE ECONOMIC MOTIVATION BEHIND THE SEXUAL EXPLOITATION INDUSTRY, AS WELL AS ITS IMPACT UPON SOCIETY. THERE ARE REPORTS WHICH INDICATE THAT ORGANIZED CRIME DOMINATES DISTRIBUTION OF PORNOGRAPHY IN THE UNITED STATES, AND INVESTS THE PROFITS IN OTHER CRIMINAL ACTIVITIES SUCH AS LOANSHARKING AND NARCOTICS. A REPORT ISSUED BY THE ATTORNEY GENERAL OF THE STATE OF CALIFORNIA, ENTITLED "ORGANIZED CRIME IN CALIFORNIA 1982-83" STATES THAT PORNOGRAPHERS WITH FIRM LINKS TO ORGANIZED CRIME HAVE ENTERED THE CABLE AND SUBSCRIPTION TELEVISION INDUSTRY, AND BY EARLY 1984, HAD BECOME MAJOR SUPPLIERS OF PORNOGRAPHIC MATERIAL TO THAT INDUSTRY. I WOULD ASK UNANIMOUS CONSENT THAT A COPY OF THE REPORT BE PLACED IN THE HEARING RECORD.

THE IMPACT OF OBSCENITY AND SEXUAL EXPLOITATION IS FELT THROUGHOUT OUR SOCIETY. IT IS CRITICAL THAT THE SUBJECT OF PORNOGRAPHY AND LAW ENFORCEMENT BE PLACED IN SOME PROPER PERSPECTIVE.

THE RANGE OF POTENTIONAL REMEDIES FOR VICTIMS OF PORNOGRAPHY BEGINS WITH A STRONG COMMITMENT TO THE ENFORCEMENT OF PRESENT CIVIL AND CRIMINAL OBSCENITY LAWS. SPECIFICALLY, A CONCENTRATED EFFORT SHOULD BE PLACED ON ENFORCING THE FOLLOWING FEDERAL LAWS, FOUND IN TITLE 18 OF THE UNITED STATES CODE: SECTION 1461, WHICH PROSCRIBES THE MAILING OF OBSCENE MATTER; SECTION 1462, WHICH PROSCRIBES THE IMPORTATION OR TRANSPORTATION OF OBSCENE MATTER; SECTION 1463, WHICH PROSCRIBES MAILING INDECENT MATTER ON WRAPPERS OR ENVELOPES; SECION 1464, WHICH PROSCRIBES THE BROADCASTING OF OBSCENE MATERIAL; AND SECTION 1465, WHICH

PROSCRIBES THE TRANSPORTATION OF OBSCENE MATTER FOR SALE OR DISTRIBUTION.

BECAUSE OF ITS DETERRENT EFFECT, THE ENFORCEMENT OF PRESENT OBSCENITY LAWS OFFERS ONE OF THE MOST EFFECTIVE REMEDIES TO PROSPECTIVE VICTIMS OF PORNOGRAPHY, BY TREATING THE ROOT CAUSES, AND NOT JUST THE SYMPTOMS OR RESULTS OF SEXUAL EXPLOITATION. BY REMOVING THE PROFIT INCENTIVE, THIS APPROACH WOULD PREVENT MANY VIOLATIONS OF INDIVIDUAL AND SOCIETAL RIGHTS BEFORE THEY OCCUR.

MUCH CONCERN HAS BEEN EXPRESSED ABOUT THE EFFECT OF ANY GOVERNMENTAL ACTION UPON FIRST AMENDMENT RIGHTS. OBSCENE MATERIAL IS NOT PROTECTED BY THE FIRST AMENDMENT. THIS CONSTITUTIONAL PRINCIPLE WAS FIRST ARTICULATED BY THE UNITED STATES SUPREME COURT IN ROTH V. UNITED STATES, 354 U.S. 476. THE SUPREME COURT HAS NEVER DEVIATED FROM THIS CONCEPT, AND IN MILLER V. CALIFORNIA, 413 U.S. 15, REAFFIRMED THIS POSITION BY STATING: "THIS MUCH HAS BEEN CATEGORICALLY SETTLED BY THE COURT, THAT OBSCENE MATERIAL IS UNPROTECTED BY THE FIRST AMENDMENT."

THE SUPREME COURT HAS STATED THAT IN APPLYING CONSTITUTIONAL PRINCIPLES, IT IS IMPORTANT TO INTERPRET THEM IN LIGHT OF THE FUNDAMENTAL INTERESTS OF PERSONAL LIBERTY THEY WERE MEANT TO SERVE. RESPECT FOR FIRST AMENDMENT PRINCIPLES IS ERODED WHEN THE FIRST AMENDMENT LEAPS ITS PROPER BOUNDS TO INTERFERE WITH THE LEGITIMATE INTEREST OF SOCIETY IN THE PREVENTION OF HARM AND IN ENFORCEMENT OF LAWS.

THE SUPREME COURT HAS OBSERVED IN MILLER V. CALIFORNIA: THAT THE PROTECTION GIVEN SPEECH AND PRESS WAS FASHIONED TO ASSURE UNFETTERED INTERCHANGE OF IDEAS FOR THE BRINGING ABOUT OF POLITICAL AND SOCIAL CHANGES DESIRED BY THE PEOPLE. BUT THE PUBLIC PORTRAYAL OF HARD-CORE SEXUAL CONDUCT FOR ITS OWN SAKE, AND FOR THE ENSUING COMMERCIAL GAIN, IS A DIFFERENT MATTER.

To equate the free and robust exchange of ideas and political debate with commercial exploitation of obscene material demeans the grand conception of the First Amendment and its high purposes in the historic struggle for freedom.

The proscription against the sexual exploitation found in obscenity is grounded upon the legitimate govermental aim of controlling and regulating Public Morality and public conduct -- that is, public activities which affect the people as a whole.

The right to control and regulate obscenity and commercial sexual exploitation is the right of the individual to control his or her environment. It is the right of parents to be left free to shape the moral notions of their children, and the right of the general public, and any individual within that general public, not to be subjected to violent psychological affront through pornography.

If we do not enforce the laws against obscenity, prostitution, and other forms of sexual exploitation, our inaction gives silent approval to unlawful and harmful activities. . . and our "silent approval" is heard quite clearly by the profiteers who sexually exploit, and by our children, who look to the adult population for role models, and who rely upon adults for instruction and guidance. To openly permit sexual exploitation implies societal approval and even suggests seductive encouragement.

The state has an interest in protecting its citizens and in safeguarding them from abuses which prevent their operation as free and independent well-developed persons and citizens.

In the interest of eradicating the harm that flows from sexual exploitation, the government has an interest in punishing and deterring those who promote the sexual exploitation of human beings.

No person or business enterprise should be allowed to physically or psychologically harm any individual. Where material requires the sexual exploitation of a person for its production, the sexually exploited person should be protected by society, and should be assisted in taking action against his or her exploiters.

The non-enforcement of obscenity laws has created many victims of sexual exploitation. The Attorney General's Commission on Pornography, recently announced by President Reagan, should provide leadership to redirect serious efforts towards a positive solution in this area. In addition, the creation of new statutory remedies may be appropriate.

In the creation of any new statutory remedies, two things must be kept in mind:

First: The Subcommittee has focused in part on a type of pornography which uses live models, hired or forced to engage in sexual activity. The production of this material often involves violations of valid state or federal prostitution laws. It rarely has been suggested that the constitutional freedom for speech and press extends its immunity to speech or writing used as an integral part of conduct in violation of valid criminal statutes.

Second: As with all legislation in this sensitive area, Constitutional procedures must be safe-guarded and the conduct to be prohibited must be adequately defined by any proposed new law.

Mr. Chairman, again I commend you for your leadership in this area and I thank you for the opportunity to express my thoughts on the problem of pornography.

ORGANIZED CRIME IN CALIFORNIA 1982-83

Annual Report to the California Legislature

JOHN K. VAN DE KAMP, Attorney General

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ORGANIZED CRIME AND PORNOGRAPHY

East Coast organized crime families currently own and control key national distribution companies and therefore regulate much of the availability of pornographic material for sale in California. By dictating the terms of product distribution, organized crime figures ultimately control many California pornography businesses. With this control and the millions of dollars in profits derived, organized crime is able to further its illegal activities by investing in narcotics trafficking, loansharking, and infiltrating legitimate businesses.

During the 1970s, organized crime engaged in extortion and violence in an effort to gain control over the independent pornographers in California. Now, firmly established in national distribution and involved in almost all aspects of pornography, organized crime exerts strong control over California pornographers. These crime families appear to have recognized the economic benefits of this business and now give greater attention to their pornography interests.

Previously, the Bonanno, Colombo, Gambino, and DeCavalcante organized crime families of the East Coast were active in pornography in California. The Bonanno and Colombo families have lessened their involvement in pornography due to continued deterioration of their organizational structure and strength. The DeCavalcante and Gambino families appear to have consolidated their pornography interests and now dominate the industry throughout the nation.

A key figure who seems to represent the latter two organizations in pornography is Robert DeBernardo, a top member of the DeCavalcante Crime Family of Northern New Jersey. He is the operator of the largest East Coast pornography distribution company, Star Distributor of New York.

DeBernardo is a close associate of Ettore Zappi, underboss of the Gambino Crime Family. In 1973 grand jury testimony alleged that Zappi received large amounts of cash from California pornography operators.

Much of the influence of these two crime figures is believed to be exerted on California pornographers through Reuben Sturman of Cleveland, Ohio. Sturman is one of the largest pornography distributors in the nation and maintains a financial interest in numerous pornography businesses in California and throughout the world. Many California pornographers depend on Sturman's vast distribution network and are therefore subject to his influence.

The arrival of home video cassette recorders on the market in 1979 was accompanied by a growing demand for adult videotapes. California pornographers, many linked to organized crime, quickly entered this market by forming companies involved in the manufacturing, production, duplication, distribution, and sale of adult videotapes. The annual gross of the adult videotape industry in the Los Angeles area alone was estimated by Southern California law enforcement authorities to be well over $200 million in 1982 and to have exceeded that figure in 1983.

Trends and Projections

Organized crime continues to dominate California pornography operations and is extending its involvement in all aspects of the industry including the growing adult videotape market. Pornographers with firm links to organized crime have also entered the cable and subscription television industry and, by early 1984, had become major suppliers of pornographic material to that industry.

Senator **Specter**. At this time I would like to call Mr. Gregory A. Loken, Convenant House of New York, to present his testimony. Mr. Loken brings a very distinguished academic record here, summa cum laude from Harvard University, master from American University, a law degree from Harvard cum laude.

You are welcome here, Mr. Loken. Your full statement will be made a part of the record with our standard practice. We would appreciate your summarizing it, leaving the maximum amount of time for questions and answers.

STATEMENT OF GREGORY A. LOKEN, EXECUTIVE DIRECTOR, INSTITUTE FOR YOUTH ADVOCACY, COVENANT HOUSE, NEW YORK, NY

Mr. **Loken**. Mr. Chairman and members of the committee. At Covenant House, our admittedly radical perspective on sexual exploitation is born of long years of work with children and adolescents on the street—work that was conceived from the start as a response to the gospel. Father Bruce began serving children more by chance than by design. He left his teaching position at Manhattan College, in the spring of 1968, in response to a head-on challenge from his students to begin living out the gospel imperatives he taught and preached. After a number of months living on the Lower East Side, in one of the most decrepit, drug-dominated areas in the country, he was confronted one night by six children at the door of his apartment asking for a place to stay. It was 2 a.m. in the middle of a blizzard, so he let them stay, and the next night they brought four more children—all, like themselves, runaways and throwaways. The 10 of them had been living in abandoned buildings nearby. The local junkies had sexually abused and pimped them. One week prior before coming to him, they had been so desperate—it was a bitterly cold winter—that they had made a pornographic film in Yonkers for food and shelter.

Since that night Father Bruce, through Covenant House, has sheltered over 50,000 children in Toronto, Houston, New York, and Antigua, Guatemala.

Perhaps the crucial fact about the beginnings of Covenant House, for the purpose of this hearing, is that the very first six children whom Father Bruce helped in 1968, had themselves been coerced into making a pornographic movie at a time when they were most desperate for food and shelter.

Many thousands of the children we have seen subsequently have been sexually exploited, and a significant number of them have been exploited in child pornography. Because of that experience, our perspective with regard to the problem of pornography in America is an unusual one, I think. Many observers, most particularly the President's Commission on Obscenity in 1970, have conceived of the problem of pornography as a problem between, on the one hand, the filmmaker who has a right to free expression and, on the other hand, the public, which has a right to be shielded from offensive and corrupting material.

By contrast, at Covenant House we have approached the problem—have been forced to approach the problem—from the perspective of the performers. Children who have been used in the making of child pornography.

Now, unlike the pornographic books, which were largely the concern of the President's Commission and the first jurists who dealt with the problem of obscenity, the problem of a pornographic film or photograph is quite complex, because in addition to the artist and the person who views the product, a performer has been made to engage in a particular kind of conduct.

In the case of pornography, a person has been required, seduced or coerced into engaging in explicit sexual activity in front of a camera, thus creating a permanent record of his or her most intimate conduct.

Now, with regard to children, this is particularly devastating. I know this subcommittee has explored the whole question of child pornography, in depth in the past, but it is worth recalling that the children who are brought into child pornography are subjected to shattering psychological and sometimes physical harm. They are at great risk of life and limb in many circumstances because of the sinister character of the people who make pornography in the first place.

We found there are no reliable numerical estimates regarding the extent of child pornography, but the victims seem to fall into two categories: children used in sex rings and children of the street, who are caught up into pornography through desperation for food and shelter.

We found, as well, that criminal sanctions are grossly inadequate to deal with child pornography, for a number of reasons that I think are best outlined in our written statement.

Today, we urge you to consider a number of Federal responses to child pornography, and to approach the problem from a civil perspective.

First of all, we support direct civil actions by victims of child pornography, those which would give children the right to seek damages and attorneys' fees from their exploiters. That would put them in no worse a legal position than victims of antitrust or racketeering activities.

Second, we urge actions which would allow reputable child protective organizations to sue on behalf of children victimized in pornography.

Third, we propose an international ban on trafficking in child pornography.

Finally, we urge the commitment of substantial resources for programs to prevent child abuse in pornography, and to provide alternatives for children on the street who are in danger of being sexually exploited.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Loken and answers to questions submitted by Senator Denton and the subcommittee follows:]

PREPARED STATEMENT OF GREGORY LOKEN

Mr. Chairman and Members of the Subcommittee: I am deeply grateful that you have extended me the opportunity to discuss, on behalf of Covenant House, a continuing national challenge of the highest importance - the frustrating campaign against child pornography. The members of this Subcommittee have already given valiant service in that war, through both your creative leadership in securing passage of the Child Protection Act of 1984 and your strong, consistent commitment to homeless and runaway children - those in our society most vulnerable to sexual exploitation. Through your support of the Runaway and Homeless Youth Act and its programs, and through your concern for fairness and humanity in our juvenile justice system, you have already made substantial efforts to protect children who have fallen through the gaping cracks of our society's care for its young.

Child pornography is the greatest single symbol of that failure to care in this, the most materially abundant nation the world has ever known. Our century is not unique in leaving millions of children homeless and destitute; what our age has *invented* is the sexual abuse of children in pornography for the vicarious pleasure of others. Despite all the recent, substantial improvements in federal *criminal* sanctions against that exploitation, we have been forced to the conclusion that the "kiddie porn" industry will continue to flourish. It is therefore not enough to be thankful, as we are, for all your efforts in the past: much remains undone.

My purpose today is to describe, as fully as possible, the need for further federal action to protect children from sexual exploitation, and the form which we at Covenant House believe such additional protection should take. The federal government, limited in its resources and bound to respect the primacy of state laws respecting family matters, cannot by itself "solve" the problem of child pornography. But certain practical, inexpensive, and above all *effective* measures lie within its grasp: (1) providing children used in pornography the right to sue their exploiters for damages; (2) granting reputable child-care agencies the right to attack distribution of "kiddie porn"; (3) laying groundwork for effective therapeutic outreach to children who have been sexually exploited; and, finally (4) initiating an *international* movement to ban commerce in child pornography. In carefully examining all of these options the Subcommittee can continue its distinguished work on behalf of vulnerable children.

I. The Covenant House Perspective

At Covenant House our admittedly radical perspective on sexual exploitation is born of long years of work with children and adolescents on the street - work that was conceived from the start as a response to the Gospel. Father Bruce began serving children more by chance than design. He left his teaching position at Manhattan College, in the spring of 1968, in response to a head-on challenge from his students to begin living out the Gospel imperatives he taught and preached. After a number of months living on the lower East Side, in one of the most decrepit, drug-dominated areas in the country, he was confronted one night by six children at the door of his apartment asking for a place to stay. It was 2 a.m. in the middle of a blizzard, so he let them stay, and the next night they brought four more children - all, like themselves, runaways and throwaways. The ten of them had been living in abandoned buildings nearby; the local junkies had sexually abused and pimped them. One week prior before coming to him they had been so desperate - it was a bitterly cold w[illegible] - that they had made a pornographic film in Yonkers for food and shelter.

From those ten children our work has grown during the last fifteen years to providing crisis care for about 15,000 children a year - in New York, Houston, Toronto, and soon, in Fort Lauderdale and New Orleans. That growth has included the establishment of the Institute for Youth Advocacy, of which I am the director, to fight for public understanding of the plight of homeless and runaway children, and to mobilize public and private action on their behalf.

The need for such advocacy is plain from even the most cursory acquaintance with the children we serve. Less than a quarter of Covenant House's children have been raised in two-parent homes; over one-half have known serious physical abuse. Fully 25 percent have moved four or more times during the past year; two thirds have moved at least once. Their lives have been rootless; their dreams have been cramped.

When such children find themselves on the street, their alternatives are excruciatingly few. A few of the strongest can survive on crime. tiny, tiny minority are able to find jobs and begin a life for themselves. Some find a place in extended family networks or with friends. For an enormous number, however, selling or bartering sexual favors is their only option - at least for part of their time on the street. The young are unattractive as employees; as sexual partners they are in constant demand. The New York City Police Department estimates that 75% of the children they pick up have been involved in prostitution, and 10% in both prostitution and pornography. One of our sister runaway and homeless youth programs in New York estimated recently that 30% of the runaways they counsel actually acknowledge involvement in prostitution. Our best estimate, based on our experience, is that half or more of the children who come to Covenant House have been sexually exploited in the past, a significant minority of them in commercial or noncommercial pornography.

One such youth - call him Toby - left Covenant House recently for a drug treatment program. On the street from age 13 on, he supported himself through prostitution in bars, on the street, and for extended periods with various "sugar daddies". At age 17 he became desperate enough, and stupid enough, to agree to make a porn film to be produced by one of those mentors. It took only three days to shoot, and Toby believed it to be a small-scale film for private circulation. Instead, during his stay at Covenant House several months later, the film came to New York as one of the biggest porn hits of recent years. Toby suddenly found himself recognized on the street by total strangers, strangers who had seen him in the midst of the most explicit sexual activity. Video cassettes of the film sell for $69.00 in Times Square sex arcades. Thus Toby knows that even if criminal prosecution of the producers and distributors occurred - which is highly unlikely - the film will be around to haunt him forever. He is currently struggling to overcome the drug problem he acquired on the street; ultimately he may return to wage a highly doubtful legal battle against further distribution of the movie.

In a certain sense Toby is responsible for his predicament: older and street-wise, he ought to have known better. Many of our children at Covenant House are not so well versed in the ways of the street. They find themselves caught up in hard-core prostitution and pornography at an earlier age than any state would allow them to drive a car. It is so easy, when you're cold, to agree to anything in exchange for shelter. It is so easy, when you're hungry, to turn a trick or make a movie in exchange for ready cash. Because of their cruel backgrounds, because they are on the street through no real choice of their own, it would be wickedly unfair to describe them as anything but victims - victims of our unconcern for families in trouble, and victims of our fevered addiction to the sex industry which exploits them.

In 1981 and 1982 we filed three briefs on behalf of sexually exploited children in the now famous case, New York v. Ferber, 458 U.S. 747 (1982), on remand, 57 N.Y.2d 256 (1982). There we argued, as we do again here, that the whole problem of child pornography must be approached not primarily from the standpoint of its offence to public morals or decency but rather from the perspective of the children abused in making it. It is their injuries which are the most searing, their continuing trauma the most acute. It was in focusing on those children that the Supreme Court could find child pornography unprotected by the First Amendment, New York v. Ferber, supra, 458 U.S. at 764, and that Congress could remove the obscenity requirements from federal child pornography laws in the Child Protection Act of 1984. We continue to believe that the place our concerns about pornography ought always to begin is with those unfortunate men, women and children used in making it. Above all in the area of child pornography, it is impossible to reflect on the harms those children suffer, along with the nature of the industry that exploits them, without searching for far-reaching, powerful legal weapons to provide them redress and protection.

II. The Children Victimized

No fair portrait of the children used in pornography can be anything but shadowy. Our knowledge of the number of children involved is limited, and we have only sketchy information as to the types of children most vulnerable to pornographic exploitation. While we know more about the short-term effects of that exploitation on children who do become involved in pornography, finally, we understand little about "kiddie porn's" long-term effects on its victims, particularly as they enter adulthood.

A. Numerical Estimates. Reliable estimates of the number of children used in pornography simply do not exist. One recent article attributed to "law enforcement officials" the astounding belief that "as many as one million youngsters - ranging in age from 16 to under a year - are sexually involved and then filmed or photographed, either for the abuser's own pleasure or for profit".[1] Other estimates are as low as 3,000 children nationwide.[2] Such guesses, even based on the experience of professionals in the field, are next to useless for a number of reasons: (1) the estimates are not based on any reliable count of children victimized; (2) the subterranean nature of the child pornography industry would make any reliable measurement of the problem virtually impossible; and (3) even within the estimates as given, no indication is made whether they represent annual or cumulative figures, and whether they encompass both commercial and noncommercial child pornography. No amount of methodological uncertainty, however, can dissuade us from our belief that thousands of children each year are sexually exploited for commercial and noncommercial pornography; like others, however, we must rely for that statement on our own personal experience in providing professional help to sexually exploited children.[3]

B. Characteristics of Children Exploited. Part of the reason that estimating the extent of child pornography is so difficult is that we know so little about the overwhelming majority of the children so exploited. When child pornography is seized by law enforcement officials, identification of the film makers is usually impossible because the material has changed hands several times. Discovering the date and location of filming is equally hopeless except in the rare arrest of the actual photographer. It is perhaps a blessing for the children photographed, but a major obstacle to effective research, that they remain anonymous. The fact that only limited scholarship exists on the characteristics of children exploited in pornography is thus hardly surprising.

1. Victims of "Sex Rings". What does emerge from careful review of that limited scholarship are portraits of two largely distinct groups of children who comprise the overwhelming bulk of those sexually exploited on film. The first of the groups, accounting generally for the younger, and especially the prepubescent victims, consists of those children induced to engage in photographed sexual activity as part of a "child sex initiation ring".[4] These rings involve recruitment or coercion of boys and girls, almost always by an elder person in a position of trust, to engage in sex with each other and with the ring's leaders. Threats, blackmail, and peer pressure keep the children, who continue to lead a "normal" life at home, in line.[5] As Anne Burgess and her colleagues have recently demonstrated, pornography is a quite normal part of the functioning of such rings; indeed, it increases exponentially the power of the leader to blackmail his victims and, where produced for commercial purposes, provides a "lucrative outcome [that] is a powerful reinforcement

to the group".[6] The recent Virginia McMartin Preschool scandal, where some 125 children had said they were subjected to sodomy and rape while snapshots and movies were made,[7] appears to be a classic example of the "sex initiation ring" branch of child pornography.

2. Children on the Street. The other major branch of the "kiddie porn" industry preys on older children, often homeless, who find themselves caught up with life on the street. Dr. Robert Geiser has described succinctly the process of their initiation into pornography:

> Many of them drift into being male or female hustlers on the city's streets. It isn't long before one of the "johns" asks to take some pictures or perhaps shoot a film. Other children are met at the bus or train depots of the cities by a smiling man who offers them a hot meal and a place to sleep. The kids who go with him may find themselves drugged, raped, and eventually turned out on the streets working for a pimp. They quickly learn how to turn a trick for $25 to $50. Before long, they, too, may meet someone with a camera.[8]

For these teenagers, pornography is a logical extension of the prostitution on which they stake their survival. Thus it was not surprising that a 1982 study of adolescent male prostitutes showed that 27 percent had been photographed by a john; fully 11 percent had been photographed by a professional for use in a magazine or movie.[9] Our experience at Covenant House is overwhelmingly with this second group - young people of the street who become the fodder of adults eager for "chicken".

Breaking the victims of child pornography into these two main groups - those participating in child sex initiation rings while living at home, and those who drift into prostitution as a response to life on the street -- is at best a rough description of a highly complex, enormous collection of exploited children, each with highly individual problems and needs. These categories are far from perfect: they do not cover, for example, the apparently significant number of children actually sold to pornographers by their parents.[10] The vast majority of child pornography victims nevertheless fall within one of these general groupings, and describing their distinctive characteristics is useful in order to delineate both the effects of their victimization and the legal remedies that will best help them move toward a healthy adulthood.

C. Effects of Exploitation in Child Pornography. "Kiddie porn" has been branded by Dr. Melvin Blumberg as the "most depraved form of sexual misuse of children,"[11] and we who daily see the effects of all types of sexual exploitation can only agree. Our experience fully supports, too, the views of clinicians who have concluded that participation in the making of child pornography is "devastating,"[12] likely to produce "psychic trauma: and "massive acute anxiety" for the children involved,[13] and "highly destructive to the child's psychological development and social maturation."[14] The psychological trauma is such that it can increase significantly the chance that the sexually abused child will one day grow into a sexual abuser.[15] Serious physical consequences may ensue as well.[16]

The actual sexual abuse of children in making of pornographic films or photos does not end their ordeal; it is only the first chapter. For the child has participated in a "graphic form of exhibitionism ... [which] literally makes the child's body 'available' for anyone willing to pay the price anywhere in the world."[17] Damaging as the initial sexual abuse may be, "it is the fear of exposure and the tension of keeping the act secret that seem to have the most profound emotional repercussions."[18] Authorities familiar with sexual abuse generally agree that [o]ften the child is more disturbed by the reaction that the [sexual abuse] brings forth than from the sexual activity itself."[19] The initial "fear of exposure" coupled with the subsequent public exposure through display of the filmed sexual activity virtually assures profound continuing harm for children whose sexual abuse occurs in front of a camera.

Those continuing harms threaten all child pornography victims. For those whose involvement stems from sex initiation rings, Dr. Burgess and her colleagues suggest they may suffer additional damage, including destabilization of family and peer relationships, antisocial behavior, severe school difficulties, and even complete identification with the exploiter.[20] For those who come to child pornography through street life, slightly different special harms are likely; one recent researcher concluded that in their severely impaired mental health, profound isolation from family and community, and deep distrust of system resources they represent "the homeless adults of the future."[21] For both groups the future [illegible] only be bleak, particularly because so few, less than 10 percent in Dr. Burgess's recent sample, will receive significant long-term therapy.[22]

This litany of wrecked innocence and potential in itself suggests that no effective or just national policy attacking the "kiddie porn" industry can ignore the needs of the children exploited. Dr. Larry L. Constantine, a family therapist who favors the "radical" liberation of children's "right" to sexual intercourse has made the provocative observation: "It might show more concern for children to permit some children to participate willingly in pornography under monitorable conditions, than to have others brutally exploited because of their status as runaways or mere chattels of their parents."[23] However we repudiate Dr. Constantine's approach to this subject, as we emphatically do,[24] he at least rightly points out the scandal of imposing criminal sanctions against the child pornography industry while completely ignoring the needs of its victims.

III. Inadequacy of Criminal Sanctions

All efforts against child pornography have, to date, concentrated almost solely on enactment of comprehensive, stringent criminal prohibitions against its production and distribution.[25] These efforts, culminating in the *Ferber* decision and the Child Protection Act of 1984, were the necessary first steps to translate public outrage into effective government policy. All of the traumas which the child pornography industry inflicts on its victims justifies those criminal statutes, yet just as clearly those statutes, conceived as they are with punishing perpetrators, do little to relieve that trauma after it has occurred. More distressing still, it is clear that criminal sanctions, standing alone, will have only severely limited success in suppressing the traffic in child pornography. The clandestine nature of the industry, the extraordinary profit motive it involves, and the deeply entrenched international network for distributing "kiddie porn" all make it stubbornly resistant to traditional law enforcement. Both natural reluctance of children to testify in such embarrassing cases and the equally natural tendency of courts and government officials to exercise benign neglect with regard to pornography will militate as well against consistent enforcement of even the best-drafted criminal statutes.

A. Nature of the "Kiddie Porn" Industry. This Subcommittee has previously taken extensive testimony concerning the basic characteristics of the networks for producing and distributing child pornography. With regard to effective law enforcement, however, it is important to note several features that make it a difficult target. The purveyors of child pornography form a clandestine subculture in which a wide variety of underground distribution networks flourish.[26] The sale or barter of "kiddie porn" will not produce the public disturbance or the angry, adult victim as do robbery, rape, or theft. Then, too, the material is generally "laundered" to prevent exposure of suppliers.[27] In the end only the most elaborate, expensive undercover operation is likely to produce significant results, and then only with some luck.[28] So difficult can a child pornography operation be to detect that one inmate of a Florida prison actually succeeded in directing an international "kiddie porn" ring from his prison cell.[29]

At least as significantly, the traffic in child pornography is far too profitable to yield easily to criminal sanctions. Production costs are minimal - as most of the child "performers" work for nothing or extremely little - while the retail price of the finished product can be set far higher than for nonpornographic material.[30] With millions of dollars at stake it is hardly surprising that many continue to flout criminal prohibitions - particularly where the only real risk of criminal prosecution will fall on the low-level participants who form the final link in the distribution chain. Opinion is divided on whether traditional organized crime has entered the "kiddie porn" marketplace,[31] yet that marketplace is clearly organized and operated in ways that strongly resemble classic organized crime patterns.[32]

More disturbing still is the intractable international dimension to the child pornography business. A recent, superb documentary by NBC documented their ability to obtain "dozens of [child pornography] magazines, films and photographs" through the mail from companies based in Holland and Denmark.[33] Customs officials have told this Subcommittee that during the period 1978-1982, sixty to seventy percent of the 247,000 pieces they seized contained child pornography.[34] A large segment of this child pornography, nevertheless, was produced in the United States, shipped abroad for later sale to American customers.[35] The reasons for heavy traffic are clear: the sources of the child pornography abroad are virtually immune from prosecution, and the producers of the material in the United States are thus shielded from detection.[36] At present no cooperation exists between the United States and any other nations to stop the international "kiddie porn" traffic, and it is thus no wonder dedicated law enforcement officials despair of attacking the traffic on a local level.

B. Trauma for Child Witnesses. Of equal long-term significance as a limitation on the use of criminal sanctions to curb child pornography is the difficulty for prosecutors of obtaining the cooperation of children needed as witnesses. Court procedures are particularly intimidating for children asked to relate the most intimate sexual details.[37] Worse, a criminal proceeding creates a double bind for the child: if he is believed, the only result is that a formerly trusted friend will go to jail; if he loses, he must fight off additional guilt from thoughts that perhaps he did not tell enough.[38] Parents, who often fiercely resist reporting sexual abuse cases, [39]can hardly be expected to encourage their children to undergo such an ordeal. Given the difficulty of obtaining children's testimony, the lack (to our knowledge) of a single conviction under 18 U.S.C. §2251, the section of federal law prohibiting the production of child pornography, should hardly be cause for comment.

C. Official Tolerance of Pornography. The final, and most tragic, obstacle to effective, consistent enforcement of criminal laws against the child pornography traffic is simply the natural tendency of government and of all of us to tolerate it. Ours is a society where a federal district judge could find, as a matter of law, that the members of his (and my) community - the Southern District of New York - would accept any form of pornography, no matter how revolting. U.S. v. Various Articles of Obscene Merchandise, 678 F.2d 433 (2d Cir. 1982)(reversing an unreported decision); U.S. v. Various Articles of Obscene Merchandise, 709 F.2d 132, 138 (2d Cir. 1983)(upholding lower court after new fact-finding hearing, despite observation of concurring Judge Meskill that the district judge's findings are "difficult to accept unless the community standards in New York are so low that nothing is obscene.") Even in the most conservative areas of the country, [40]graphic pornography has won wide community acceptance. Depictions of children in seductively sexual poses are common grist of contemporary advertising.

In that context it may not be so shocking that a whole preschool could become a child pornography factory in California, or that a small Minnesota town could find one out of every 110 of its citizens under indictment for sexually abusing children. [41] One out of every 10 boys, and one out of every five girls is sexually victimized at sometime during childhood. [42] As a society we have embraced an extraordinary degree of tolerance both of commercialized sex and of sexual abuse of children. Child pornography stands at the intersection of these two powerful force fields: while clearly there is a political consensus supporting its suppression, underlying cultural trends will constantly be pushing for its acceptance.

Government officials charged with enforcing criminal statutes against child pornography will feel those cultural trends more strongly than others. Just as adult pornography is principally patronized by a middle and upper-class clientele,[43] so child pornography perpetrators are generally finacially secure with average to very high community standing.[44] These are not citizens that law enforcement officials will feel eager to attack. Indeed, in the absence of iron-clad initial information such officials may be too intimidated to risk a full-fledged investigation in the face of severe political repercussions in the event that they seem to be persecuting an innocent person - an image that well-to-do, well-respected citizens can easily project. Even if a successful prosecution can be brought to a conclusion, finally, the sentence is apt to be light, considering the probable high quality of the defendant's legal representation and his solid standing in the community. Thus Paul Ira Ferber, the subject of the landmark child pornography case, received only a 45-day sentence for distributing child pornography depicting children 8 to 12 years old engaging in graphic sexual conduct. The sentencing judge noted Mr. Ferber's "family background" and concluded, "it is my view that the defendant's actions are somewhat remote from the societal interests sought to be protected."[45] After spending tens of thousands of badly needed dollars investigating and prosecuting Mr. Ferber, could New York City officials be blamed if they did not give future enforcement of child pornography laws their most undivided attention?

IV. Battling Child Pornography - A Comprehensive Response

Victims scarred by sexual exploitation can therefore have only the most restricted hopes for effective criminal enforcement of child pornography statutes. Wholly punitive in nature, those statutes give no relief (other than satisfaction of vengeance) to those victims; further, they depend for their execution on a law enforcement process likely to be stymied by the special nature of the "kiddie porn" industry along with public and judicial indifference to the problem. Laudable as our current criminal statutes in this area now are, they represent only the beginning of an effective federal assault on sexual exploitation.

We see a need for an expansion of that assault on four fronts, none of which would involve commitment of any significantly greater federal resources. Two of them involve the creation of federal civil remedies on behalf of children sexually exploited, and so are within the immediate purview of this Subcommittee. We have previously submitted to the Subcommittee staff a proposed bill that would establish those remedies.[46] The remaining two areas of needed intervention - to limit international traffic in child pornography, and to promote positive treatment options for sexually exploited children - will require further study and extensive consultation with persons and agencies outside the Congress. All of them spring from particular aspects of the problems faced by child pornography victims in seeking renewed life.

A. Direct Civil Actions by Victims. The first, and most obviously necessary of the changes we favor in existing law is the creation of a private federal civil remedy that would permit children victimized in child pornography to sue their exploiters directly. We believe it is critical, first, that such a remedy encompass injunctive relief to thwart further distribution of materials showing a particular child's sexual abuse, relief that could be sought either by the government or the child. Second, such a remedy should provide as in the federal antitrust and RICO statutes, for recovery of treble damages and reasonable attorneys' fees by children who have been exploited in pornography. Third, the procedural provisions applicable to the remedy should be as liberal as possible: (1) allowing expedition of the actions where the Attorney General deems the case to be "of general public importance," (2) closing to the public, where appropriate, those parts of the court proceedings in which the child plaintiff would be seriously affected by massive public exposure, and (3) providing for collateral estoppel where defendants have been convicted of criminal sexual exploitation.

Enactment of such a measure, tied directly to the framework of the existing criminal provisions, would substantially deter child pornography as a profit-making enterprise. Like the antitrust and RICO statutes, it would, in addition to deterrence, provide redress to victims exploited by those possessing superior physical and financial strength. The possibility of that redress might well prove the decisive factor in encouraging exploited children and their parents to come forward and brave the trauma of courtroom battles: any evidence brought out in such civil actions, in turn, would likely be of substantial usefulness in the investigation and prosecution of criminal proceedings.

It is worth mentioning, in this context, that adequate redress for child pornography victims does not exist under current state statutory or common law. No state to our knowledge has established a statutory civil remedy for sexually exploited children. State tort law, in addition, has never had to wrestle with the issues presented by child pornography: such exploitation fits readily into none of the classic tort categories; and even courts that managed to examine it under an expansive view of those categories might find themselves foundering with concern over such makeweight defenses as consent, assumption of risk, or even a public policy against providing compensation for injuries sustained in an unlawful enterprise.[47] Private injunctive relief against distribution and exhibition of pornographic materials might be completely unavailable, and, in any case, would stop at the state line while the offending material wandered all over the country. Damages, of course, would not be trebled and would not include attorneys' fees. It is no wonder, then, that we know of no successful civil suit by a child victim of sexual exploitation in a state court.

The principal beneficiaries of the federal treble-damage action proposed here are likely to be that group of children who are caught up in pornography through a sex initiation ring. Because such children are generally still living at home, with the possibility of family support and backing, they are far more likely to attack their exploiters directly than are exploited children on the street with no one to encourage them to take action. Further, the children enmeshed in sex rings, which are virtually all directed by trusted acquaintances, are far more likely to know whom to sue than homeless children who sell their bodies, and pictures, to random customers.

B. Qui Tam Actions Against Child Pornographers. It is primarily to provide some measure of protection for that second group of sexually exploited children, those who succumb to pornography simply to survive, that we propose a second form of civil action against child pornographers. Technically a qui tam (or private-attorney-general) action, it provides a very limited class of organizations - those with an established, charitable interest in the direct care of children - access to federal court to battle pornographers.

The basic concept is simple and well established. A substantial civil penalty is declared for violations of the criminal prohibitions against production and/or distribution of child pornography. The federal government and "authorized child-care agencies" (those which are both recognized as tax-exempt charities under federal law and authorized under state or federal law to provide direct child care) would possess concurrent rights to file actions to recover that penalty on behalf of, and for the use of, the government. The government might assume control over any such action initiated by an authorized child-care agency, or might suspend or terminate it. If, however, the child-care agency were allowed to bear the burden of prosecuting the suit to a successful conclusion, it would receive one-half of the recovery, with the rest given to the government. Where the government assumed control of the action, the child-care agency would still receive some portion of the final award based on the value of the information it provided. A number of minor provisions in our proposal are included to protect the government's interest in the conduct of such proceedings and to allow, where appropriate, recovery of attorney's fees from culpable defendants.

The advantages of such a remedy as a complement both to criminal enforcement of child pornography laws and direct civil actions by victims of the "kiddie porn" traffic are immediately apparent. Most importantly, they would provide, in a civil proceeding, where the burden of proof is far less stringent, an opportunity to attack child pornographers without requiring a child to submit to the embarrassing rigors of a trial. They would, moreover, enlist on the side of the government in the battle against child pornography responsible organizations in every community with strong commitment to the care and protection of children. The relatively minor financial incentives the qui tam remedy offers such agencies could induce them to commit a portion of their resources to monitoring the market in child pornography in their communities - and thus produce a far greater overall investment of public and private resources in protection of children against sexual exploitation.

Although the constitutionality of *qui tam* actions is beyond dispute,[48] Congress has established them sparingly, usually either to protect the federal government from swindlers or to protect groups of particularly vulnerable persons from exploitation. Thus the only *qui tam* actions in current force under federal law are: (1) the False Claims Act, 31 U.S.C. §§3729 *et seq*., allowing any private parties to file a lawsuit against any one who has made a false claim against the federal government, with the right to share in the government's recovery; (2) the statutes for protection of Indians, which provide civil penalties for those who cheat Indians or infringe on their lands, with private parties authorized (in 25 U.S.C. §201) to sue for recovery of those penalties on behalf of the government, and to keep one-half the amount recovered; (3) a statute (35 U.S.C. §292) providing a *qui tam* remedy against those who falsely designate an item as patented to prey on unsuspecting buyers. Significantly, until last year, when it was repealed as obsolete, a federal statute also provided for *qui tam* remedies against those who engaged in the slave trade, with the private party prosecuting the action on behalf of the government entitled to one-half the recovery.[49]

Sexually exploited children as much as Indians or slaves need all the protection which competent, concerned private organizations can give them. The great Elbridge Gerry, founder of the New York Society for the Prevention of Cruelty to Children, the first such organization of its kind, explained more eloquently than anyone has since the special role of private organizations in protecting children:

> Under our system of government, the enforcement of the laws is usually left to public officials, either elected or appointed by the sovereign people for that purpose. But there are certain branches of the law which seem peculiarly to require the creation of corporations for their enforcement, in order to protect those who are unable to protect themselves; and especially in dealing with offenders who are wealthy, influential and powerful, and who might and do often exert influences which are powerless with a corporation. And this is particularly the reason for the creation of societies for the prevention of cruelty to children. Most of them are based upon the principle that a cohesion of effort insures success; or, to use the aphorism of the wise king of old, that a three-fold cord is not quickly broken.[50]

A creation of a *qui tam* component to the federal arsenal against sexual exploitation could bring precisely that "cohesion of effort" which insures success. Just as private child-care organizations led the fight to expose and prevent child abuse, they could well provide the cutting force against child sexual exploitation.

C. Internationai Ban on Trafficking in Child Pornography. As noted earlier, a crucial obstacle to effective law enforcement against the "kiddie porn" industry is its skillful use of international channels to launder and market its wares. At this point virtually every nation that has experienced any significant child pornography traffic has acted to outlaw it,[51] yet the failure of the international community to act in concert makes those laws relatively ineffective. The United States is a signatory to multinational conventions prohibiting traffic in opium[52] and white slavery.[53] Surely neither drug nor prostitution traffic is any more pernicious, any more a threat to the world's future than the international marketing of child pornography.

We firmly believe, therefore, that the time is ripe for a serious international effort on behalf of a multinational convention to prohibit all traffic in child pornography, and to establish regular procedures for cooperation among nations in the investigation and prosecution of transnational child pornography rings. We have begun discussions with representatives of international nongovernmental organizations on how best to initiate such an effort. Although the preparation and negotiation of a treaty is not, we fully understand, within the purview of this Subcommittee, we hope you will seriously consider lending your influential individual voices on behalf of international control of the revolting traffic in sexual abuse.

D. Prevention of Sexual Exploitation and Treatment for Victimized Children. In the wake of recent sexual abuse and child pornography scandals, it has become increasingly clear that the resources available to local governments to prevent sexual exploitation and provide effective treatment for its victims are extremely scarce. When compared to a loving, supportive family, formal mental health counselling runs a distant second as a salve for the wounds of sexual exploitation.[54] It nevertheless has an important role to play, even where the victim comes from a happy home,[55] and for those without such support professional therapy is critical.[56] Most significantly, skilled professionals can disabuse parents, children and whole communities of myths about sexual abuse and child pornography that paralyze both effective prevention efforts and supportive acceptance of children already exploited.

Because children used in pornography are so widely scattered and difficult to identify, it does not seem to us that federal resources can be efficiently used in separate programming for those victims. We do think, however, that a small amount of funding should be directed toward innovative prevention and treatment plans for child pornography victims as part of the functioning of programs that regularly deal with the groups most vulnerable to such exploitation. A small investment of funds to encourage education of parents and children regarding sexual abuse, for example, could substantially reduce the odds that those children will be duped into participation in a sex initiation ring. Likewise special grants directed at runaway and homeless youth programs, targeted for research on, and treatment of, sexual exploitation could offer more children lost on the street a way out of sex-for-sale slavery. (At least one potential source for such funds, of course, would be civil penalties generated in qui tam actions against child pornographers.) Given the extraordinary gaps in our knowledge of how to reach out to exploited children we ought to be willing to risk making some mistakes as we test different approaches. The greatest evil here is not failure but failure to try.

CONCLUSION

The world of child pornography - its size, its citizens, and its victims - will always remain mysterious. We can glance darkly through its shadows and glimpse the tortured desire, the greed, and the ruined lives that form its chief elements. Because we refuse to fight it on its own terms, raw power and fathomless deceit, all of our efforts to destroy it are likely to fail.

However frustrating that battle becomes, however, we must never neglect its hostages - the thousands and tens of thousands of children who will go through life in desperate fear of a photograph, a movie or a videotape. We can provide them with legal weapons to fight for themselves, and we can seek out new allies among child-care agencies at home and governments abroad. And we can, at last, begin a slow but firm commitment of resources to repairing the young souls already broken. They have deserved better of us. Thank you for your kind attention.

NOTES

1. Rooney, Innocence for Sale, Ladies Home Journal (April 1983), 79, 127.
2. U.S. Accounting Office, Sexual Exploitation of Children - A Problem

of Unknown Magnitude, Report to the Chairman, Subcommittee on Select Education, House Committee on Education and Labor (1982)(hereinafter "GAO Report"), 6.

3. It is worth noting that in 1977, new federal and state laws drove child pornography underground, the nationwide "kiddie porn" business was estimated to be approaching $1 billion a year, involving up to 30,000 children in the Los Angeles area alone. See generally, Baker, Preying on Playgrounds: The Sexploitation of Children in Pornography and Prostitution, 5 Pepperdine L. Rev. 809, 810-814(1978); Shouvlin, Preventing the Sexual Exploitation of Children: A Model Act, 17 Wake Forest L. Rev. 535, 544(1981); O'Brien, Child Pornography (1983), 17-26.

4. "Child sex initiation rings" were first described fully in Burgess, et al., Child Sex Initiation Rings, 51 Am. J. Orthopsychiatry 110 (1981). See also, O'Brien, supra n.3, 89-97.

5. Id., at 113.

6. Burgess, et al. Response Patterns in Children and Adolescents Exploited Through Sex Rings and Pornography, 141 Am. J. Psych. 656, 657 (1984). Dr. Burgess and her colleagues make, in their recent article, an important addition to their description of sex rings by distinguishing between (1) "solo" rings, in which one adult is sexually involved with a group of children; (2) "syndicated" rings in which several adults form a well-structured organization to exploit children commercially through prostitution and pornography, and (3) "transitional" rings, in which more than one adult is involved but no organization has yet evolved. Id., at 656.

7. "Los Angeles Pressing Inquiry into Sexual Abuse of Children," N.Y. Times, April 1, 1984, Pg. 24.

8. Geiser, Hidden Victims (1979), 112-113.

9. Urban and Rural Systems Associates, Adolescent Male Prostitution, Pornography, and Other Forms of Sexual Exploitation (submitted to the Youth Development Bureau, U.S. Dep't. of Health and Human Services under Contract #HEW 105-79-1201)(1982), 33. This study depended on the submission of 79 representative "hustler profiles" by child-care agencies nationwide, and so is subject to substantial methodological limitations. It is the startling conclusion of the authors, in the face of their own data showing significant participation by their subjects in commercial and noncommercial prostitution, that "the relationship between adolescent male prostitution and pornography is slight". Id., at 4. Needless to say, on the basis of our own experience, not to mention URSA's own research, we reject that conclusion.

10. Geiser, supra., n. 8, at 109. See, Sexual Exploitation of Children, Hearings Before the Subcommittee on Education and Labor, 95th Cong., 1st Sess. (1977), 42-43 and 66-68 (testimony of Lloyd H. Martin, L.A. Police Dep't.).

11. Child Sexual Abuse, 78 N.Y. State J. Med. 612, 613 (1978).

12. Weeks, The Sexually Exploited Child, 69 S. Med. J. 848, 850 (1976).

13. Schoettle, Child Exploitation: A Study of Child Pornography, 19 J. Am. Acad. Child Psych. 289, 296 (1980) [hereinafter cited as Child Exploitation]; Schoettle, Treatment of the Child Pornography Patient; 137 Am. J. Psych. 1109, 1110 (1980).

14. Densen-Gerber, Child Prostitution and Child Pornography: Medical, Legal and Societal Aspects of the Commercial Exploitation of Children, reprinted in National Center on Child Abuse and Neglect, U.S. Dept. of Health and Human Services, Sexual Abuse of Children: Selected Readings (1980) 80.

15. Groth, Sexual Trauma in the Life Histories of Rapists and Child Molesters, 4 Victimology 10 (1979); R. Sullivan, Child Molestation, 19 Am. J. Fam. Physician 127 (1979).

16. *See*, *e.g.*, Ellerstein & Canevan, *Sexual Abuse of Boys*, 134 Am. J. Diseases of Children: *An Epidemiological Study*, 129 Am. Med. J. Diseases of Children 689, 691 (1975); Nelson, *Gonorrhea in Preschool and Prepubertal Children*, 236 J. Am. Med. A. 1359, 1364 (1976); Rauh & Burket, *Adolescent Sexual Activity and Resulting Gynecological Problems*, 13 Med. Aspects Hum. Sexuality 56, 57 (1979).

17. *Child Exploitation*, *supra*. note 13 at 292.

18. *Id.* at 292 (emphasis added). *See*, *also* Shouvlin, *Preventing the Sexual Exploitation of Children: A Model Act*, 17 Wake Forest L. Rev. 535, 545 (1981); Burgess & Holmstrom, *Sexual Trauma of Children and Adolescents*, 10 Nursing Clinic N. Am. 55[illegible] (1975).

19. Marjanic & Wilbois, *Sexual Abuse of Children*, 239 J. Am. Med. A. 331, 333 (1978); Fraser, *Child Pornography*, 95 New Statesman 213 (1978); Peters, *Children Who Are Victims of Sexual Assault and the Psychology of Offenders*, 30 Am. J. Psychotherapy 398, 419 (1976); Schultz, *The Child Sex Victim: Social, Psychological and Legal Perspectives*, 52 Child Welfare 147, 150 (1973); Simrel, *et al.*, *Crisis Management of Sexually Abused Children*, 8 Pediatric Annals 317 (1979).

20. Burgess, *supra*., n. 6, at 650-59.

21. Dillingham, *Child Pornography: A Study of the Socialsexual Abuse of Children* (1982), *reprinted in*, *Child Pornography: Hearing Before the Subcommittee on Juvenile Justice of the Senate Comm. on the Judiciary*, 97th Cong. 2nd Sess. (1982) (hereafter "Exploited Children Hearing") 135, 138.

22. Burgess, *supra*, n. 6, at 658. Of the 66 subjects that study embraced, only 4 received anything other than crisis counselling, and 19 children received no counselling at all.

23. Constantine, *The Sexual Rights of Children*, in Constantine & Martinson, eds., *Children and Sex* (1981) 261.

24. What Dr. Constantine's analysis most glaringly neglects, of course, is an appreciation of the fact that immature children and adolescents are incapable of giving any sort of informed, rational consent to sexual activity with an adult. *See*, most tellingly, Finkelhor, *What's Wrong With Sex Between Adults and Children*, 49 Am. J. Orthopsychiatry 692, 694-95 (1979).

25. We know of no state which has enacted specific legislation either to give children used in child pornography a direct civil cause of action against their exploiters, or to establish significant programs aimed at providing such children with long-term therapy.

26. O'Brien, *supra*, n. 3, at 113-115.

27. *Id.*, at 11; Guio, *et al.*, *Child Victimization: Pornography and Prostitution*, 3 J. Crim. Just. 65 (1980).

28. *See*, *e.g.*, the extraordinary, fully documented investigation reported in Ill. Legislative Investigating Commission *Sexual Exploitation of Children, A Report to the Illinois General Assembly* (1980).

29. Barnes, "Officials Say Florida Inmate Ran Child Porn Ring," St. Petersburg *Times*, July 22, 1983, pg. 1.

30. Shouvlin, *supra*. n. 3, at 544.

31 *See*, Baker, *supra*, n.3, at 814.

32. *See*, *Exploited and Missing Children: Hearing Before the Subcomm. on Juvenile Justice of the Comm. on the Judiciary*, 97th Cong., 2nd Sess. (1982) (hereafter "Exploited Children Hearing"), 37-40 (statement of Dana E. Cara of the F.B.I., noting that the F.B.I. has assigned child pornography investigations to its Organized Crime Section, and calling for application of provisions of the Omnibus Crime Control Bill and Safe Streets Act of 1968 against child pornography).

33. National Broadcasting Company, The Silent Shame, reported by Mark Nykanen, August 25, 1984, transcript, 21.

34. Exploited Children Hearing, supra, n. 32, at 54 (testimony of Robert P. Schaffer).

35. O'Brien, supra, n. 3, at 115-119.

36. Id., at 119. Dr. O'Brien also notes, correctly the tax advantages such international traffic affords through foreign banking. Id., at 118.

37. Weiss & Berg, Child Victims of Sexual Assaults: Impact of Court Procedures, mimeographed, presented at the annual meeting of the American Academy of Child Psychiatry, Chicago, 1980.

38. Schoettle, Child Exploitation, supra, n. 13, at 297.

39. Finkelhor, Child Sexual Abuse in a Sample of Boston Families, unpublished paper for the Family Violence Research Program, U. of N.H. (1982).

40. See, Herrman & Bordner, Attitudes Toward Pornography in a Southern Community, 21 Criminology 349, 358 (1983).

41. "Minnesota Townspeople Jolted by Sex Scandal With Children," N.Y. Times, September 6, 1984, pg. A-16.

42. Finkelhor, Sexually Victimized Children (1979) 53.

43. Block & Chambliss, Organizing Crime (1981) 94.

44. O'Brien, supra, n. 3, at 80; Geiser, supra, n. 8, at 110.

45. People v. Ferber, Indictment No. 1233/78 , Trial Record Sentencing Minutes, January 31, 1979, 755.

46. For much assistance with regard to the potential for civil remedies in this area, as well as enormous contributions to the drafting of our specific proposal, we are deeply grateful to Thomas Barr, Esq., of Cravath, Swaine & Moore, Stephen Bundy, Acting Professor, Boalt Hall Law School, Berkeley, Calif., and Rowan Wilson, a 1984 summer associate at Cravath, Swaine & Moore.

47. The case of Shields v. Gross, 58 N.Y. 338 (1983) is a classic example of such state-law rigidity. There, because of a consent form signed by her mother when she was 10, Brooke Shields lost her battle to suppress fully nude, suggestive photographs taken of her when she was ten, despite the finding of the court below that a "mere glance at the photographs in controversy ... plainly demonstrates [that] their widespread dissemination would damage [Miss Shields]." Shields v. Gross, 88 A.D.2d 846, 849 (1982).

48. See, Kingsley Books, Inc. v. Brown, 354 U.S. 436, 441 (1957), U.S. ex rel Marcus v. Hess, 317 U.S. 537, 541 (1943); Marvin v. Trout, 199 U.S. 212, 225 (1905).

49. 46 U.S.C. §§1351-54 (repealed 1983).

50. Gerry, The Relation of Societies for the Prevention of Cruelty to Children to Child-Saving Work, Proceedings of the National Conference of Charities and Corporations (1882), 129-130, reprinted in, Bremner, ed., Children and Youth in America: A Documentary History, Vol. II (1971) 196.

51. See, e.g., West German Penal Code, Paragraphs 176 and 184; Swedish Criminal Code, Chapter 16, Paragraph 10; French Penal Code, Art. 3419; and, in the United Kingdom, the Protection of Children Act of 1978, Chapter 37. N.B.C., in its recent broadcast The Silent Shame, supra, n. 34, reported, however, that the Dutch parliament is expected to pass a new law legalizing child pornography. Id, at 20.

52. 38 Stat. 1929, January 23, 1912.

53. 35 Stat. 1979, May 18, 1904.

54. *Cf.*, Tsai, *et al.*, *Childhood Molestation: Differential Impacts on Psychosexual Functioning*, 88 J. Abnormal Psychology 407 (1979), in which the authors report that in a number of respects a group of women sexually molested as children who had *not* sought therapy were functioning significantly *better* than a matched group of sexually victimized women who were in therapy. Limitations of the study prevent my serious speculation as to the causes of that difference in adjustment.

55. Burgess, *et al.*, *supra*, n. 4, at 117-118.

56. Schoettle, *Treatment of the Child Pornography Patient*, 137 Am. J. Psych. 1109, 1110 (1980).

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THE INSTITUTE FOR YOUTH ADVOCACY

October 29, 1984

The Honorable Arlen Specter, Chairman
Subcommittee on Juvenile Justice
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Senator Specter:

I am very grateful for the opportunity which you and the members of the Subcommittee afforded me, in your hearing of September 25th, to discuss the need for legislative reforms on behalf of sexually exploited children. Your own questions at the hearing were thought-provoking and constructive, and the Subcommittee's staff, particularly Bruce King, were unfailing in their courtesy. Thank you for a memorable day.

Bruce King forwarded to me several additional questions, some prepared by Senator Jeremiah Denton, and some by the Subcommittee staff to explore more fully certain issues tied to federal efforts against sexual exploitation of children. All of the questions I received are excellent ones - some indeed, would require extensive space to answer exhaustively. I have, however, prepared responses to them which will, I hope, address the central issues they raise, as follows:

Questions by Senator Denton

1. Why is Federal legislation, as opposed to state legislation, preferable to address these problems?

While to a limited extent victims of child pornography may have recourse to state courts for monetary or equitable relief, such access is in practice and even in theory virtually useless. In this context it is worth recalling why the nature of the "kiddie porn" industry made it necessary for Congress to enter the child protection field, which is normally the primary concern of the states:

> When a conspiratorial group of individuals from several states combine to molest children and even produce movies across state lines depicting their abuse, where else but in federal court should the prosecution take place? What state should try such a case? What state would want to prosecute it? What state has the money to prosecute it?

Sexual Exploitation of Children, Hearings before the House Subcomm. on Crime of the Comm. on the Judiciary, 95th Cong., 1st Sess. (1977), 75 (Statement of Robert Leonard, Pres., Nat'l Assn. of District Attorneys). The interstate, even international character of so much traffic in child pornography in and of itself argues for federal remedies on every level, the civil as well as the criminal. Just as state civil remedies against combinations in restraint of trade were inadequate to address the problem which the federal antitrust laws now cover, so too the practical problems of obtaining civil relief in a state court against a multi-state "kiddie porn" ring argue for at least supplementary federal remedies.

Even if state courts could provide practical relief for victims of sexual exploitation, it is unclear whether they have any legally viable approach to do so. In a recent New York case, for example, the Court of

Appeals held that Brooke Shields had no cause of action to suppress the circulation of nude photographs taken when she was ten years old - because her mother had signed a consent form. Shields v. Gross, 58 N.Y.2d 338 (1983). In that case the court refused to allow Miss Shields to revoke publication even though the lower courts found that a "mere glance at the photographs in controversy ... plainly demonstrates [that] their widespread dissemination would damage [Miss Shields]." Shields v. Gross, 88 A.D.2d 846,849 (1982)(Asch, J., concurring).

Established state tort law remedies simply do not encompass the specific conduct of those who exploit children. Common law actions for "invasion of privacy" - the most directly relevant form of tort action - are not available in all states. See, e.g., Roberson v. Folding Box Co., 171 N.Y. 538 (1902). Where they do exist, they can generally be defeated by a showing that the victim consented, Restatement (Second) of Tort, §652D, Comment b, or that the victim was a "voluntary" or "involuntary" public figure. Id., §652D, Comments e and f. Likewise the extremely high standards of "knowledge" necessary to support actions for "intentional infliction of emotional distress" based on "outrageous conduct" are unlikely to be satisfied in lawsuits against "kiddie porn" distributors who do not usually know the identity or backgrounds of the children depicted in what they sell. It is difficult, finally, to conceive of state statutory or common law grounds for the kind of equitable relief needed by sexually exploited children - i.e., nationally enforceable injunctions against sale or distribution of the material in which they appear.

The response of the states to the need for criminal sanctions against distribution of child pornography has been haphazard, with several states still lacking any adequate protection against such activity. No state has yet enacted civil remedies for sexually exploited children, and if those victims are to have adequate redress for the injuries they have suffered, it will require the exercise of federal authority.

2. Do you support increased federal efforts at enforcing laws against obscenity?

The obscenity laws have as their genesis the deeply important concern of the government for protection of citizens from the offensive, corrosive influence of graphic, sexually explicit materials. As people strongly committed to a thoughtful, ethical, and rational atmosphere of public discourse, we firmly support increased federal and state efforts to enforce obscenity laws. Most particularly we urge immediate action to protect minors from exposure to graphic pornography in cable television broadcasts, "dial-it" telephone services, and magazine display cases.

We do not believe, however, that any effort against the pornography industry can succeed without increased emphasis on protecting the most deeply injured of its victims: those who are seduced or coerced into what is by any definition prostitution in order to make pornography. While our government has shown passionate concern for working conditions in virtually every other area, the sex industry is still permitted to rape, mutilate, even kill men, women and children to supply its ever-growing market. The proposal we have supported, and the legislation Senator Specter recently introduced, would begin to address the needs of those victims.

3. What effect would enforcement of the federal obscenity laws have on the flow or availability of materials which sexually exploit children, or women, or men?

In many, perhaps most, areas of the United States, the federal obscenity laws remain a powerful weapon against sexually exploitive materials. The standards for determining legal "obscenity", as promulgated by the Supreme Court in Miller v. California, 413 U.S. 15 (1973), were designed to reach the "hard core" pornography which causes the greatest injury to those used in its making. Unfortunately federal prosecutors have shown remarkably little zeal in pursuing such prosecutions, and the federal obscenity laws are thus not a credible deterrent to the sexual exploitation that occurs every day in the making of pornography.

We must recognize, in addition, two significant problems in using obscenity laws to protect against sexual victimization in pornography. To begin with, as the Supreme Court recognized in *New York v. Ferber*, 458 U.S. 747 (1982), the obscenity standard was *designed to protect the audience*, not the performer: "Thus, the question under the *Miller* test of whether a work, taken as a whole, appeals to the prurient interest of the average person bears no connection to the issue of whether a child has been physically or psychologically harmed in the production of the work." *Id.*, 458 U.S. at 761.

Second, and of more important practical importance, a growing number of communities throughout the nation are being found to permit virtually all forms of pornography, however "hard core". Thus, a new York federal court recently defined "contemporary community standards" in a way that an appellate judge felt compelled to characterize as "difficult to accept unless the community standards in New York are so low that nothing is obscene" - a conclusion he found "unassailable as a matter of law in the circumstances of this case". *U.S. v. Various Articles of Obscene Merchandise*, 709 F.2d 132,138 (2d Cir. 1983)(Meskill, J., concurring).

The importance of the obscenity laws should not be underestimated, and their current non-enforcement is a national scandal. Realistically, however, we connot view them as even a minimally adequate protection against the exploitation practised by the sex industry.

4. *Do you think it is important to enforce the laws banning adult pornography? Would enforcement of these laws have any effect on reducing the amount of sexual exploitation perpetrated against children?*

As indicated above, we are strong supporters of federal and state action against *all* forms of pornography, including that involving only adults. In our view pornography must be viewed as a *continuum*, from erotic advertising selling jeans (and, on another level, *the very young girls who wear them* in the commercials), to soft-core "girlie" magazines, to the most outrageous sado-masochism and bestiality currently leading the hard-core market. Violent adult pornography, as demonstrated by Professor Edward Donnerstein and others, can lead to significant shifts in the moral perceptions and sexual attitudes of viewers. So, too, other forms of pornography create an appetite for ever more explicit displays of sexuality: what passed for daring or obscene in the late 1960's now is unmarketable as too tame. It is perhaps most telling, in this area, to recall that the federal Commission on Obscenity and Pornography in 1970 omitted *any* discussion of child pornography from its report, and even declared, quaintly, that "full male nudity is virtually unknown." *Report*, 11.

Enforcement of obscenity laws could at least hold the line against further debasement of our public discourse, yet for the reasons outlined in response to question 3 above, we are unconvinced that such laws will be effective, alone, in attacking sexual exploitation. People exploited in pornography need legal weapons tailored to their specific needs.

5. *Are adult pornography and child pornography linked in any way?*

The answer to this excellent question is perhaps best developed in Burgess, *Child Pornography and Sex Rings* (1984), a new, extraordinarily important *study of the sexual misuse of children*. Fully 62 percent of the 55 sex rings studied had used adult pornography in the course of initiating children into prostitution or pornography. *Id.*, 78. Adult pornography is an infinitely valuable resource to the *child* pornographer as a means of showing children that filmed sexual activity is acceptable, even desirable conduct - after all, aren't adults happily doing it?

Questions By Subcommittee Staff

1. Some have questioned whether allowing child-care organizations to sue for civil penalties would lead to unjustified or harassment suits. How do you respond to such concerns?

It is difficult to conceive of how organizations devoted to the supremely demanding, always unprofitable work of caring for children would ever find time or resources for frivolous lawsuits against child pornographers. In such actions attorneys' fees and civil penalties would be awarded only where the claim that a child had been sexually exploited was found to be true. Nearly every state currently authorizes child-care organizations or child-protection groups to file civil child-abuse actions against parents, and there has never been serious complaint that such laws produce undue "harassment" of parents. Surely, if a private organization can drag a parent into court for beating his child, there should be no serious concern over a parallel right to demand that a child pornographer answer for his abuse of children. Yet even if a substantial possibility exists for the filing of some unfounded actions against the "kiddie porn" industry, we see little harm resulting: prior to any imposition of penalties the defendant would have his full day in court. He would thus suffer no greater injury than one defending against *any* unfounded civil action, whether in tort, in antitrust, or in racketeering. There would be no prior restraint of protected speech, no "chilling effect" on any form of material except that which involved the sexual exploitation of children, as clearly defined by 18 U.S.C. §2255. What *would* occur is substantial strengthening of our national ability to attack the distribution of child pornography wherever it occurred.

2. Why do you think it important that civil actions under your proposal be expedited in the courts?

The concern of every lawsuit filed under this proposal will be to attack the sexual exploitation of children and to compensate, where possible, those who have been exploited. We agree with the Supreme Court's conclusion, in *New York v. Ferber*, 458 U.S. 747, 757 (1982), that such concern "constitutes a government interest of surpassing importance." Expedition of actions based on sexual exploitation is only the most basic way of recognizing the extraordinary priority which this government objective deserves.

It should be noted, in this regard, that the civil actions filed by children used in pornography—or by private organizations or the government under the proposal's *qui tam* provisions—would not be complicated or likely to consume significant court time. The issues are simple and straightforward: (1) does the visual material fall within the definition of 18 U.S.C. §2255?, (2) was the child under 18 at the time of its making, and (3) to what extent has the victim been injured? For such critically important matters, which are, to boot, relatively easy to resolve, to wait in line behind extremely complex antitrust or negligence actions would be a sad injustice. During such a wait the exploited child and his or her family would suffer cruelly, and many well-founded lawsuits might be dropped or unfairly settled rather than face the interminable delays that exist in many federal district courts. Is it so much to ask litigants in less important matters to allow these brutally wounded children to have their day in court quickly? Would it be fair for suits against monopolies to be expedited, as in 15 U.S.C. §28, while sexually exploited children sat waiting?

3. How do you arrive at your figure of $100,000 for civil penalties?

As I testified earlier, runaway and homeless children are the group most vulnerable to exploitation in pornography and prostitution. The average annual budget for a federally supported runaway and homeless shelter is currently about $200,000. We think it reasonable to ask a defendant who has destroyed the health and happiness of a child by marketing him or her in pornography to pay for half the cost of maintaining such a shelter.

To put it another way, the daily cost of providing crisis care to a runaway or homeless child can range, in our experience, from $50 to $110. A defendant found to have sexually exploited children would thus, under our proposal, be required to pay the cost of providing from two to five beds for such children over the next year.

Obviously the amount of every fine or civil penalty is in some sense arbitrary, yet the $100,000 provided for in our proposal is the same as the fine set for individuals convicted under the Child Protection Act of 1984 of sexually exploiting children. The civil penalty and the criminal fine would thus be symmetrical, and, we think, adequate to deter what can be an extremely lucrative form of criminal activity.

4. Why are authorized child care agencies in the best position to investigate and take legal action in child pornography cases, as opposed to other groups?

Because the care and protection of children is their business, child-care agencies are more likely than any other private organizations to receive information about the misuse of children in various ways. A significant number of children resident in such agencies will notify their caseworkers, whom they know and trust, of past involvement in pornography. A child-care agency which learns of such exploitation would be able, under the proposal, to attack distribution of such pornography whenever it surfaces - whether or not the child was still available. More important, such agencies could use information from previously exploited children-in-care to investigate pornography rings while still maintaining full protection for the child's confidentiality. Qui tam actions would allow such protection to continue all the way through a resulting lawsuit, for the child's identity and testimony would not be crucial to the success of the action.

5. What is your best estimate of how many qui tam actions would be instituted annually?

Given the undercover nature of the child pornography industry and the many pressing concerns of child-care organizations, it would surprise me if more than fifty such actions were filed nationally in each of the first few years after they became available. Several years would elapse before most child-care providers understood their rights under such a law, and during that time Congress and the Attorney General would have the opportunity to examine the effectiveness of the relatively few suits that can be anticipated. We believe that even a few victories by child-care organizations in such actions would have an extraordinary deterrent effect on the "kiddie porn" industry - thus keeping the number of qui tam actions low for the best possible of reasons, that they have helped stop significant traffic in child pornography.

I hope these responses, limited as they are, meet your needs in further consideration of legislation to prevent sexual exploitation. We are deeply grateful, as ever, for your willingness to give your time and talents to an issue that has generated far more emotion than careful thought. Please feel free to call me or anyone at Covenant House if we can be of further help.

And please, finally, give my best regards to all the distinguished members of the Subcommittee.

Yours sincerely,

Gregory A. Loken

Gregory A. Loken

Senator **Specter**. Thank you very much.

What problems, if any, do you see, Mr. Loken, on the constitutional issue, the first amendment issue, the kind of legislative proposals that you are suggesting?

Mr. **Loken**. Mr. Chairman, when this issue is approached from the standpoint of the victims of pornography, and particularly from the standpoint of children who are used in pornography, the constitutional questions, I think, are minor at best. In the decision of *New York* v. *Ferber*, the Supreme Court focused on the privacy rights of children who are used in pornography, and focused as well on the fact that children used in pornography could not have given a valid consent to that use. As the *Ferber* decision concluded, the constitutional questions really are not of significant magnitude in this particular area.

Senator **Specter**. Do you propose going beyond in any extent in creating a civil cause of action on the part of anyone besides the specific individual who is the subject of the pornographic or obscene materials?

Mr. **Loken**. We believe direct civil actions by victims are a crucial element, Mr. Chairman, but we would go beyond that and give private, nonprofit child care organizations, the right to sue on behalf of the Government for a civil penalty against those who distribute or make child pornography, in what is called technically a qui tam action. Such actions would be subject to control by the Justice Department to make sure that the government could keep control of their use. Such a remedy would give organizations which work with children the right to attack child pornography, when it is unlikely that the specific child who was used in the film would go after the pornographer himself.

Senator **Specter**. How widespread do you think there would be on a cause of action? Would you believe that this would encompass some of the magazines, the slick magazines which are currently on newsstands?

Mr. **Loken**. I think it unlikely that many of them will be affected by this kind of an action.

Senator **Specter**. Any?

Mr. **Loken**. Well, some of the ones sold in pornographic bookstores would be. The ones that are sold on the newsstand, I think largely would not be.

Senator **Specter**. Are you dealing with a category of publisher, where they are financially responsible, where you can find them, sever them with civil process, and if you got a judgment, to collect it?

Mr. **Loken**. That certainly is a great difficulty in going after the producer of the material. It is very difficult to find them.

However, most distributors of child pornography are financially responsible, and would be able to meet judgments or penalties.

Senator **Specter**. So your cause of action would lie against the distributors as well as the photographer, the publisher, the originator of the material?

Mr. **Loken**. It sure would, Mr. Chairman. And, of course, the child pornography statutes on the Federal level, and in almost all the States, also provide the criminal sanctions against the distributor. Going after distributors is crucial in attacking this problem, because that is the only place that you can put the pornographers out of business on a widespread basis.

Senator **Specter**. What would happen to the proceeds of these civil recoveries as you envision them?

Mr. **Loken**. Well, we think there are several options for this. Certainly where there is a civil suit by a victim of child pornography, the child himself would have the benefit of the proceeds. In a qui tam action on behalf of the Government, the Government would take the lion's share of the recovery.

Now, it would be an option for the Government to earmark that penalty for use on behalf of sexually victimized children.

We do believe, however, that it would be an incentive to private organizations if they were allowed to keep a part of the civil penalty to recompense them for the cost of the investigation and cost of the suit. That concept has been used with regard to false claims against the Government and in the Federal scheme for protecting Indians. In the past, qui tam actions were available to attack the slave trade, so that is not a new concept in Federal law.

Senator **Specter**. What would be the measure of damages with the type of statute that you envision?

Mr. **Loken**. With regard to children who have been sexually exploited, they would be awarded treble damages for the emotional, physical, and psychological injury they suffered plus attorneys' fees.

For private organizations and for the Government there would be a proscribed civil penalty of $100,000 for each offense. That would simply be a civil penalty assessed against persons shown to have participated in child pornography.

Senator **Specter**. Do you think this remedy would be more effective than the current criminal prosecutions which are possible against distributors or publishers?

Mr. **Loken**. There are a number of serious problems with criminal prosecutions, not the least of them the clandestine nature of the child pornography business, and the tremendous cost of investigating cases involving child pornography. That trouble and cost does not give such cases a very high priority with many law enforcement officials. In many of the parts of this country, law enforcement officials put child pornography on the back burner, because it is simply too expensive. But, further, such investigations can involve trauma for children who are caught up in it, because they are acting in a way that is not going to benefit them in any sense, and will put behind bars someone whom they may have trusted in the past. It can be particularly traumatic for the children who might be witnesses, and their parents might not be willing to have them go through the process.

Senator **Specter**. When you talk about clandestine operations, it is not going to be easy for a civil agency to make those investigations, not really experienced in the procedures for investigation, I gather.

Mr. **Loken**. That is exactly right, Mr. Chairman. It is not going to be easy, and I don't anticipate an avalanche of civil actions, but I do believe, though, there are numerous occasions where a child pornography offense comes to the attention of parents or child-care provisions and is not followed up adequately by law enforcement officials. This would give those parents and private organizations the option of doing it.

Senator **Specter**. Well, thank you very much, Mr. Loken. It is a real alternative position, and we will consider it further.

Mr. **Loken**. Thank you.

Senator **Specter**. I would like to call Andrea Dworkin, of New York. We welcome you here, Ms. Dworkin. We note your extensive publications in the field and your authorship of the Minneapolis pornography ordinances, and you have written a book, "Pornography: Men Possessing Women." We appreciate your joining us, and look forward to your testimony.

STATEMENTS OF ANDREA DWORKIN, NEW YORK; AND CATHARINE A. MacKINNON, VISITING PROFESSOR OF LAW, UNIVERSITY OF MINNESOTA LAW SCHOOL, MINNEAPOLIS, MI

Ms. **Dworkin**. Thank you, Mr. Chairman. I am very happy to be here with Catharine MacKinnon, who coauthored the ordinance.

Senator **Specter**. I think we are going to have to recess for a few minutes. I will be returning here just as soon as I can, so if you can just stand by we will begin again in a moment.

[Recess.]

Senator **Specter**. We shall resume our hearing, and I regret the delay.

Ms. **Dworkin**. Thank you very much, Senator.

I want to discuss the ways women are used in pornography being produced and sold now in the United States:

Pornography is an $8 billion growth industry in the United States. There are three to four times as many adult bookstores in the United States as McDonald's restaurants. Cable and video markets are rapidly expanding the need for live women to be used in pornography. Playboy, Penthouse, and Hustler sell 15 million copies a month.

There are hundreds of thousands of women used in pornography each year.

Their legs are spread; sometimes their genitals are trussed up, so that they stand out on the page; makeup is applied.

Their anuses are exposed.

They are in postures of sexual submission and sexual access that invite penetration of the vagina, anus, and throat.

They are raped and are forced to show pleasure in being raped. The rapes are frequently real, not simulated. Also, films are taken of rapes, street rapes, for instance, and those films are sold on the commercial market.

There are two scenarios in most pornography: a woman is forced to have sex that causes her pain, and humiliation, and finds in the course of being forced that she likes it, it fulfills her; a woman already knows that she likes forced sex, and pain, and humiliation, and the pornography simply begins with incredibly abusive sex, which the woman is shown to enjoy.

Women are penetrated by animals and objects.

Women are urinated on and defecated on.

Women and girls are used interchangeably. In mainstream magazines sold over the counter, women are dressed to look like 5- or 6-

year-old girls and presented for penetration, especially anal penetration.

Black women are shown to crave abuse based on their skin color as well as their sex. Their skin color is treated as if their skin were a sexual organ, and abuse is directed against their skin as a sexual organ.

The pornography using Asian women begins where much other pornography leaves off: women hung from light fixtures, trees, in doorways. These women are part of the international slave trade in women that originates in the Far East.

Hispanic women are used in much mainstream pornography. Their ethnicity makes them "hot" for abuse.

Antisemitic pornography is placed inside concentration camps and the sadistic acts that actually took place in the camps are presented as sexually pleasurable for the victim.

Women are humiliated by every possible means, including verbal humiliation, physical humiliation, especially by being covered in filth.

Women are tortured in pornography. Every act of torture is used by pornographers and presented as sex, including beatings, bondage, knife cuts.

Every act of torture that takes place under politically repressive regimes in prisons happens to real women in pornography for the entertainment of men.

Women have been murdered in so-called snuff films, which feature dismemberment as a sexual act.

The first women hurt by pornography are the women in it. Up to 75 percent are incest victims, who run away from sexual abuse at home and get picked up by pimps. Pornography is used to recruit prostitutes; rapes are filmed and the films are used to keep women in prostitution. The women in pornography are poor, often illiterate. Overt physical force is used to keep most women in pornography, to put most women in pornography. When pimps marry the women, they have actual legal rights over them.

Rape crisis centers report an increase in the use of cameras in rapes. The films are then found on the commercial market. Under existing law, they are protected speech, and the rape victim has no way of getting them off the market.

Pornography is used in rape, gang rape, marital rape, battery, actual torture of women, job harassment, harassment in education, to create sexual submission in the home, and to create fear and vulnerability on the street.

There was an increase in throat rape and deaths from it after the release of "Deep Throat" and women gang raped were gang raped according to the video game "Custer's Revenge." These are but two examples of specific pieces of pornography that have caused large numbers of assaults across the country that can be traced directly to the pornography. Increasing incidences of women being tied up for rape by dogs and being urinated on are now surfacing. I believe, and there is evidence from victims, that these kinds of assaults are directly attributable to pornography.

Pornography—adult pornography—is used to coerce children into sexual acts and to blackmail them into silence.

Pornography is centrally involved in the serial killer phenomenon.

Pornography targets women as willing, happy participants in our own debasement. We are shown enjoying rape, gang rape, torture, penetration by animals—dogs, horses, snakes, eels—and objects—hair dryers, telephones, guns, knives, scissors, and dildos—battery, and exploitation.

We are shown as whores by nature: no matter what we appear to be, underneath we want to perform for men. The postures of display so common to pornography, in which our vaginas, anuses, and throats are presented for penetration, show that our bodies are accessible for all the acts pornography encourages.

Pornography is exploitation based on sex. Pornography is physical injury of women to create sexual pleasure for men. Pornography is the subordinating of women for the sake of sexual entertainment.

By its nature, pornography is entirely antagonistic to equality for women, including equal protection of the law and civil equality.

In neighborhoods where pornography is sold, women who are simply pursuing their normal routine—shopping, going to work, waiting for a bus—are approached as prostitutes and sexually harassed.

Women are kept out of whole parts of cities because of the presence of pornography businesses in those areas—the women who live in the neighborhoods, usually poor, working class, or black, are not there by choice.

Pornography sexualizes women's inequality, making it a source of sexual pleasure for the men who then make decisions about us in the workplace, in our educations; they make legislative decisions, judicial decisions. Pornography promotes physical violence against women, also as sexual pleasure.

The existence of pornography as an $8 billion entertainment industry in this country establishes beyond any argument the worthlessness of women's lives, the low value put on women as citizens and in social policy, the hopelessness of over one-half of the population in the face, not only of indifference or disregard but active pleasure in our debasement.

Senator SPECTER. You are the author of the Indianapolis and Minneapolis ordinance?

Ms. DWORKIN. Yes, Catharine MacKinnon and I authored it together for the city of Minneapolis.

Senator SPECTER. Can we have her step forward, if we may?

In those ordinances, do you seek to create a class action so that any woman who seeks enforcement of the ordinance on the theory that pornography is debasive to women generally?

Ms. DWORKIN. There are four parts to the ordinance, Senator. Three of them involve particular injuries to particular persons: coercion, forcing pornography on a person, and assault and physical injury due to pornography.

Senator SPECTER. Take up those three parts, since you deviated from my question.

Isn't there a cause of action at the present time with regard to each of those three?

Ms. **Dworkin**. There isn't any that has actually been useful in helping the women in these situations.

Senator **Specter**. Would you particularize them again, please?

Ms. **Dworkin**. Yes; the first is coercion, and that is when any person is coerced into pornography, and that includes being fraudulently induced.

Senator **Specter**. I would suggest the law currently prohibits that. Someone who is coerced into pornography can get damages.

Ms. **Dworkin**. Part of the problem, Senator, actually has to do with the fact that the law is not at all tailored to the way the injury actually takes place in the real world.

Senator **Specter**. What do you mean?

Ms. **Dworkin**. The statute of limitations will have almost inevitably run out by the time a woman who has suffered this type of abuse could be in a position to seek a legal remedy.

Senator **Specter**. What statute of limitations do you think would be appropriate?

Ms. **Dworkin**. What we have in our law is the 1-year period from the last date that the actual film—the production of the coercion—is on the market, and, also, Senator, right now, there is no way of getting to material into which someone has been coerced. For instance, there is no way to get a film of a rape that is being sold for entertainment off of the market.

We think this is a continuous violation of that woman; that her rights in society are never again honored, because she is, in fact, being sexually abused every time the film is shown.

Senator **Specter**. What is the second aspect that——

Ms. **Dworkin**. The second is called forcing pornography on a person. That would be in their home, in their education, or in public. The area of domestic violence——

Senator **Specter**. Who is the victim there?

Ms. **Dworkin**. The victim would be whoever had pornography forced on them.

Senator **Specter**. How do you force pornography on someone?

Ms. **Dworkin**. Everything ranging from tying a woman up in the home as part of the battery or marital rape, and forcing her to watch pornography to threat or intimidation.

Senator **Specter**. So you are suggesting that if a man, a husband, duplicates what he sees in a magazine, that the wife should have a cause of action against the publisher of the magazine?

Ms. **Dworkin**. Under the forcing pornography on a person, there is no cause of action against the magazine. It is against the person who does it, or the institution which——

Senator **Specter**. Wait a minute. Back up. You are saying that if a man forces a woman to duplicate what is in a magazine, that your ordinance gives the woman a cause of action against the man who so forces?

Ms. **Dworkin**. Under forcing pornography on a person, just forcing her to look at the pornography is forcing the pornography on her.

Senator **Specter**. I would suggest to you that if someone today forces a woman, and the man today forces a woman to recreate what goes on in a pornographic magazine as a result of assault, rape, or chains, whips, or any of the fetishes which are in the books, absent a husband-wife relationship, which is still a defense in many jurisdictions, there is a cause of action that a woman has under those circumstances.

Do you disagree with that?

Ms. Dworkin. I entirely disagree with that, sir. I think there is virtually no real legal remedy yet for battery——

Senator Specter. Do you know of any women who have brought such battery claims? Battery is a civil tort. Have they brought battery claims and been denied?

Ms. Dworkin. The fault with battery is with enforcement. One of the things that pornography does is make the woman's word worthless in the legal system, as well as in society at large. The bias is that women get pleasure from being abused. The legal system has, in fact, incorporated that point of view, so that when women are victims of sexual abuse, we are also seen as being the provocateurs, the very cause of that abuse.

Senator Specter. I don't think a new law is going to change that. I think hearings like this may.

Ms. Dworkin. Senator, if I could just say this: One of the reasons we do not want the State empowered to do this, that we want women empowered to bring these suits, is because in our view the State has failed to stop this kind of violence against women in any way. It has been entirely unresponsive to the real violations of women's rights that occur in this country, so we want the right to redress in the hands of the people who are being hurt. That is why we felt——

Senator Specter. Do you know of any case where a woman has brought a battery suit and it has been thrown out of court on the grounds of no cause of action?

Ms. Dworkin. We have hundreds of thousands of cases where a woman can't get an injunction against a husband when he has been beating her up consistently.

Senator Specter. Now, answer my question.

Ms. Dworkin. We have a lawsuit in New York City where we tried to get the police just to enforce the laws against battery.

Senator Specter. My question is? Do you know of any case where a woman claims she has been the victim of a battery, has brought a civil suit against the alleged perpetrator and had a case dismissed on the basis of no cause of action under the laws of that State?

Ms. Dworkin. I don't. Do you?

Ms. MacKinnon. Part of the problem, Senator, and some of this will be clarified if I were to give my statement outlining our basic approach and why it is we take it, is that when women face the possibility of bringing a claim like the one you described, they are thought of as isolated individuals.

Senator Specter. Can you identify yourself for the record, please?

Ms. MacKinnon. Yes; I am Catharine MacKinnon. I teach sex discrimination and constitutional law at the University of Minnesota Law School.

Senator Specter. You are our next witness.

Let's proceed with your testimony, and I will come back.

STATEMENT OF CATHARINE A. MacKINNON

Ms. MacKinnon. Andrea Dworkin and I are hopeful that this committee's inquiry into our approach to eliminating pornography may produce action.

On the basis of the analysis of the reality of pornography Andrea Dworkin just presented, we consider pornography, as we define it, to be a violation of civil rights—women's and children's primarily, but everyone who is hurt by it because of their sex.

Pornography, we have found, has a central role in institutionalizing a subhuman, victimized, second-class status for women in particular. This is inconsistent both with the legal mandate of equality and the reasons we protect speech.

I will sketch the design of our law, the factual support for it, and its constitutional basis.

Our law defines pornography as the sexually explicit subordination of women through pictures and words, that also includes women presented dehumanized as sexual objects who enjoy pain, humiliation, or rape; women bound, mutilated, dismembered, or tortured; women in postures of servility or submission or display, being penetrated by objects or animals. Men, children, and transsexuals, all of whom are sometimes violated like women are through and in pornography, can sue for similar treatment.

Our civil rights law allows victims of four activities only—coercion, force, assault, and trafficking—to sue those responsible for their injuries.

Our hearings in Minneapolis produced overwhelming evidence of the harm of pornography. Researchers and clinicians documented the conclusion that pornography increases attitudes and behaviors of violence and discrimination principally by men against women and children. Social studies and other expert testimony documented that the laboratory predictions of increased aggression toward women actually occur in real life.

Women testified to the use of pornography to break their self-esteem, to train them to sexual submission, to season them to forced sex, to intimidate them out of job opportunities, to blackmail them into prostitution and keep them there, to terrorize and humiliate them into sexual compliance, and to silence their dissent.

We also heard testimony that it takes coercion to make pornography, and how pornography is forced on women and children in ways that give them no choice about viewing the pornography or performing the sex. Witnesses told how pornography stimulates and condones rape, battery, sexual harassment, child sexual abuse, and forced prostitution.

Exceptions currently exist to the first amendment. The most common reason for them is harm: The harm done by the materials outweighs their expressive value, if any. Our law finds that pornography undermines sex equality, a legitimate interest of government, by harming people, differentially women. Compared with existing, partially analagous, exceptions to the first amendment, the harm recognized by this new exception involves at least comparable seriousness of injury to arguably greater numbers of people; its factual legislative basis is more massive, detailed, concrete, and conclusive; its statutory language is more ordinary, objective and precise; and it covers a harm far narrower than its findings substantiate.

This is not a libel law, but it recognizes words do damage. It is not a group libel law, but the connections between the group's status and the materials are as strong, if not stronger. This is not an obscenity law; it is more concrete, narrower, and is supported by evidence of harm, as obscenity law is not. And women are not children, but if the distribution of child pornography can be criminally banned, pornography of adult women should be able to be civilly actionable.

Our law defines "pornography," finally, as what it is: "Not a constitutional right but a civil wrong."

Pornography can not exist as it does without harming its victims. If they are empowered, we can being to be effective in eradicating it. Actually, those who are for this law are for it for the same reason those who are against it, are against it: it would work.

We will be happy to discuss the possibilities for legislation at the Federal level.

[The following was submitted for the record:]

SPEAK!

Pornography and Pride

By Van F. White

I'M 59 YEARS OLD, AND I'VE KNOWN SOMETHING ABOUT pornography for many years. When I was younger, I worked in construction. I remember the magazines and the conversations that the men shared. They would look at the pictures and make derogatory remarks: "Boy, what I could do to that bitch." "Look at her—she can't get enough." At one time, I was a part of that, listening and looking and thinking it was a laugh. But now my thoughts have changed. With age has come wisdom.

I'm a husband, the father of a daughter and a son, and six years ago I became the first person of color elected to the city council of Minneapolis. I've learned a lot about the way pornography affects people. I see the pornography stores in this city; they always seem to be put in the poorest of the neighborhoods—where the poor Black, the poor Native American, the poor Hispanic, the poor whites, are living. You don't find them in the finer parts of the city, and I resent that. I see the pornography of today showing women in degrading positions, smiling as if to say, "I haven't any intelligence; my body is all that there is. . . ." And I see how pornography makes many men believe it.

> *"Listening to the testimony of victims of pornography, I thought about the time of slavery, when Black women were treated like animals instead of human beings."*

Last fall, as chair of the Minneapolis City Council government-operations committee, I conducted two days of public hearings on pornography. The council members were considering an amendment to the city's human-rights statute that would allow lawsuits against pornographers on the grounds that pornography violates women's civil rights. I was absolutely amazed at what I heard. For over 12 hours, I heard women testify that men had used pornography to coerce them into sex acts; I heard a woman who had been gang-raped by men who had been using pornography; I heard a woman whose husband used a pornography magazine as a handbook for how to tie her up in rope and then sexually assault her.

Those horror stories made me think of the history of slavery in this country—how Black women were at the bottom of the pile, treated like animals instead of human beings. As I listened to these victims of pornography, I heard young women describe how they felt about seeing other women in pornography, how they felt about the way women's genitals and breasts are displayed and women's bodies are shown in compromising postures. I thought about the time of slavery, when Black women had their bodies invaded, their teeth and limbs examined, their bodies checked out for breeding, checked out as you would an animal, and I said to myself, *We've come a long way, haven't we?*

Today we have an industry that grosses $7 billion a year—more than the movie and music businesses combined—showing women in the same kind of submissive and animalistic roles. A lot of housing could be provided for $7 billion, a lot of education, a lot of retraining. As far as I know, the pornography industry reinvests nothing into our society to help upgrade people's self-esteem. Instead, it strips away people's self-esteem by saying, "This is all you really are as a woman—and as a man."

When I was 10 my father died, and after that, like many Black men, I was raised by women. I remember my mother telling me that now I was the man of the family and that being a man didn't mean not having feelings. Dad had taught me a lot of things—to be clean, strong, how to defend myself. But I know that I am endowed with my mother's compassion—and it sustains me. Some people have mistaken my compassion for weakness, but it is my strength. I try to pass on my feelings, my caring about people, to my children. I believe there are a lot of men in our society who are like me; they just never speak out.

So I want to say to men: Take a hard look at what is happening. Understand that there are women and children being degraded daily by pornographers—and that men are degraded too, because by using pornography, by looking at other human beings as a lower form of life, they are perpetuating the same kind of hatred that brings racism to society. ◆

Van F. White is an original cosponsor of the Minneapolis civil-rights pornography ordinance.

Speak! This column is your chance to express yourself about the issues that concern you and other ESSENCE readers. Manuscripts should be 1,000 to 1,200 words, typed and double-spaced. Include a phone number where you can be reached during business hours. Mail manuscripts to Speak!, ESSENCE, 1500 Broadway, New York, N.Y. 10036.

Senator **Specter**. Thank you very much. You have brought a very distinguished background to your work, which I have not mentioned, a law degree from Yale Law School, master of philosophy in political science from Yale Graduate School, bachelor's degree from Smith College.

Going back to what your ordinance would seek to accomplish, what was point three?

Ms. **Dworkin**. After forcing pornography on a person, I mentioned that there is another cause of action which is assault and physical injury due to a specific piece of pornography, and that, Senator, is what you were describing when you said a man would take the pornography, and then make the woman do——

Senator **Specter**. Does that cause of action run against the publisher of the pornography?

Ms. **Dworkin**. Yes.

Senator **Specter**. That would require proof of the causal connection between visualizing what may be in the magazine and what somebody acts out?

Ms. **Dworkin**. Yes; we believe that we have a body of evidence that is overwhelming—not just correlation, but causal—that pornography is actually the map, the cookbook——

Senator **Specter**. I would like you to provide that to the subcommittee, but can you give me a thimbleful of what your proof is?

Ms. **MacKinnon**. Certainly; we have testimony, if you are speaking specifically about assault that is caused by specific pornography, and if you are thinking not of the assault that is caused on the people who are required to be assaulted for it to be made, which is the coercion provision; and if you are not talking about the assault of forcing pornography on women and children, which is the forcing provision; but if instead talking about the assault that is caused by specific pornography, we have, for instance, testimony in our hearings in Minneapolis——

Senator **Specter**. Do you have many women who say that a man saw it, and then did it to them?

Ms. **MacKinnon**. Yes; we have women who say, he saw this, and then he did it to me.

Senator **Specter**. Are you seeking to create a cause of action that any women could force on the grounds that pornography debases women generally?

Ms. **Dworkin**. We are creating a cause of action under the trafficking provision, where any woman could sue a producer, a distributor, a maker, or an exhibitor of pornography if it meets the statutory definition because if it does, it is then sex discrimination, and it hurts women both as to physical injury and civil injury. It hurts our civil status. It turns us into——

Senator **Specter**. That is what I am trying to explore. That is a very novel concept, as I understand the law, which would create a cause of action that any woman could enforce on the ground that women as a class are injured.

Is that your essential cause of action?

Ms. **MacKinnon**. That was one way of putting it, Senator. It is novel in the sense that no one has previously comprehended that it is women who, as women, are hurt by pornography. It is, however, not necessarily unique in the sense that what it is based on is simply a legislative conclusion on a body of evidence that says that if this exists, that harm is done, just by analogy——

Senator SPECTER. Let's explore the ranges of harm which you are talking about. No. 1, it degrades women. If there is a picture of a woman in a magazine the way you have described it, Ms. Dworkin, even though she has consented to being photographed there, that other women have a right not to have her picture shown because it degrades women as a class.

Ms. DWORKIN. I think that is true, Senator, but I would not accept the general premise that the woman in the picture has consented. Our study of the pornography industry shows that the coercion used to produce the pictures is essential to the way the industry works, and without the coercion the industry would not exist in terms of the magnitude——

Senator SPECTER. That is a fact question. If you see——

Ms. MACKINNON. Legislatures have found these as facts, Senator, in Minneapolis, in Indianapolis. That is why I said what I did about legislative findings in relation to our law.

Senator SPECTER. There are legislative findings and there are fact conclusions, and sometimes there is not too much correlation between the two.

Ms. DWORKIN. We think, Senator, that there is, because it is based on 12 years of exploration of what pornography has actually done to women, and the women in fact have no public voice, because, for instance, once one is used in one of these pornography pictures, one simply has no public credibility of any sort, and that means that huge numbers of women are simply not believed no matter what they say, it is not admissible as being true because it happened to them, and because there is a picture to prove it.

Senator SPECTER. Let me make another statement here, because we may not be able to continue the hearing too long because the Appropriations Committee proceedings may require my presence there.

I would like to pick up on what other evidence there is that women as a class are being discriminated against.

Ms. DWORKIN. Under the trafficking provision, Senator, we believe, we know for certain, that as long as the pornography as defined in the statute exists, women will be physically hurt. The only thing we don't know is who the next woman will be. There is a random process of abuse here, but it happens to women because we are women, and that is really the basis——

Senator SPECTER. And you have a great deal of evidence that women say they have been hurt, because men——

Ms. DWORKIN. There is also experimental evidence which I know you have heard some of, that showing pornography increases aggressive behavior toward women by men. There is social studies evidence that pornography has been used in forcing sex acts on women, including branding, having sex with animals, and being urinated on.

All of these things are not atrocities that we are picking out of the air. They are things that are becoming more common practices in this country because of this $8 billion industry.

Senator SPECTER. So your point is that if pornography continues there will be some women injured in the future that you know will be true, but you don't know who they are?

Ms. DWORKIN. That's right, sir.

Ms. MACKINNON. In addition to violence, we also find documented in the experimental studies of normal men exposed to the pornography covered by our law, that it not only increases their willingness to be aggressive against women, but makes them see women as more worthless, more object-like, more to blame when, raped. It enhances discriminatory attitudes in men which they act out in behavior.

Senator SPECTER. You start that off with normal behavior.

Ms. MACKINNON. In these studies the men are carefully normalized for what the studies test for. They are the least aggressive, least anxious, least depressed, least hostile, least misogyny men that can be found. They are almost subnormal, Senator.

Senator SPECTER. What do you respond to on the opinion advanced by some that the magazines can stimulate desirable, pleasurable activity when two consenting adults without any coercion, force, or intimidation?

Ms. DWORKIN. Well, Senator, what we have is a huge population of women in this country who are saying that they did not have a good time, that they were forced to do things that they did not want to do, so there seems to be some cross-cultural communication problem here between men and women over what the pleasure involved really is.

Senator SPECTER. Would it be relevant to consider other women who did have a good time, their freedom to see this material, it stimulates a good time in them?

Ms. MACKINNON. I don't know whether you are asking us about materials that are covered by our definition, or materials that are not covered by our definition.

Now, surely there are materials that are not covered by our definition in which there is not the kind of force our definition requires, that people might have the kind of response to that you describe.

Senator SPECTER. You are saying there may be erotic materials that people could see——

Ms. MACKINNON. There may be materials in which what is happening is not a dynamic of inequality. Perhaps equality is involved there. In order to answer your question, I need to know which you are talking about.

Senator SPECTER. I regret that I am going to have to recess for just a few minutes. I will be back, hopefully, in 10 minutes.

[Recess.]

Senator SPECTER. At Senator Denton's request, the subcommittee has advised Mr. Bruce Taylor, of the Citizens for Decency Through Law, to appear as a witness here. He had been scheduled, but he is unable to appear due to an injury, but he has submitted a statement for the record which is available on the press table.

At this juncture, I want to submit Senator Denton's letter and Mr. Taylor's statement for the record.

[The letter and statement follow:]

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, D.C. 20510

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17 September 1984

Honorable Arlen Specter
Chairman
Subcommittee on Juvenile Justice
815 Hart Office Building
Washington, D.C. 20510

Dear Arlen:

I commend you for your concerned efforts and continued commitment to the complex social and legal issues involved in protecting our nation's youth against pornographic exploitation. Specifically, I commend you for scheduling an additional oversight hearing on sexually explicit publications and the range of alternatives available to remedy the harmful effects of pornography.

Due to prior commitments, I will be unable to attend the hearing on September 25. However, I am extremely interested in the progress and focus of your hearings on that date.

Your leadership in the Subcommittee has demonstrated a sensitivity to the Constitutional problems involved, as well as an interest in examining all possible avenues for appropriate legal action in connection with the pornography question. Because of what I perceive is our joint commitment to taking effective action in this area, I would ask that you include among the witnesses for the September 25 hearing, attorney Bruce Taylor, of Citizens for Decency Through Law, Inc., 2331 West Royal Palm Road, Suite 105, Phoenix, Arizona 35021, (602/995-2600).

I have been informed that Mr. Taylor will be in the Washington, D.C. area and would be available to testify on several points that I would like to see covered regarding the adequacy of the present law and the viability of additional legislative proposals regarding the broadest scope of available remedies.

Mr. Taylor is a former prosecutor from the City of Cleveland, Ohio, who has also assisted in numerous state and federal obscenity prosecutions in several states. He has achieved an expertise in this area of Constitutional law and has extensive trial and appellate experience dealing with obscentiy cases. Of particular interest to you, is the fact that Mr. Taylor was an advisor to the Pennsylvania State Legislature and drafted amendments to the state obscenity code which were adopted in 1980.

In 1983, Mr. Taylor participated in the successful South Carolina state prosecution of 39 so-called "men's sophisticate" magazines (including Hustler and High Society). His office is currently assisting the Solicitor General of Fulton County, Georgia, in the state prosecution involving the September 1984 edition of Penthouse magazine, containing the now infamous pictorial of Vanessa Williams. On Friday, September 14, 1984, a federal district court judge refused to enjoin the Georgia state prosecution, holding that the September 1984 issue of Penthouse magazine is obscene.

As a result of his direct experience, Mr. Taylor is best qualified to address the issue regarding the extent to which sexually explicit publications are entitled to protection under the First Amendment.

Much of the substantive debate in the Subcommittee has focused on whether it is impermissible "censorship" to hold those responsible for the production and distribution of pornography accountable in some fashion for the alleged damage pornography does, and whether those who are injured may be given some type of private cause of action, in the same way the laws generally hold wrongdoers responsible to their victims in other areas of the law.

Regarding the "censorship arguement", the Subcommittee should not lose sight of the fact that much of the sexually explicit material under discussion may be obscene, and therefore automatically outside the protection of the First Amendment. Even if the material is not obscene, it may be subject to certain regulations given the competing interests to be balanced. With respect to speech, the United States Supreme Court has tailored constitutional protection by focusing on the abuses and the uses to which it might be put. See, F.C.C. v. Pacifica Foundation, 438 U.S. 726, especially at 747, footnote 24. Finally, there are certain types of non-obscene speech which are unprotected by the First Amendment. See, New York v. Ferber, U.S. , 73 L.Ed. 2d 1113 (1982), especially at 1126-1127.

I am requesting the Mr. Taylor testify based on my firm belief that intricate Constitutional law issues involved can only be adequately examined by an attorney with practical experience in this area. Mr. Taylor's organization has been the leading obscenity law research group for the past 25 years, has participated in 50 United States Supreme Court obscenity cases, has conducted educational programs for citizens and law enforcement, and has provided direct legal assistance to prosecutors in test cases.

In addition, his organization is familiar with innovative legal approaches in response to problems arising in this area, and has participated in cases where private individuals have sought civil remedies against pornographic material which damaged them personally. I thank you for your consideration in this matter.

Sincerely,

Jeremiah Denton
United States Senator

Citizens for Decency through Law, Inc.

STATEMENT OF

CITIZENS FOR DECENCY THROUGH LAW, INC.,
CHARLES H KEATING, JR., its Founder, and
BRUCE A. TAYLOR and PAUL C. McCOMMON, III, its Attorneys

Mr. Chairman:

CDL is a non-profit organization existing to provide technical, legal assistance to police and prosecutors in obscenity prosecution. Our staff of attorneys is former prosecutors and lawyers who have worked on enforcement of state and federal obscenity statutes. We hold seminars on investigation, search and seizure, and trial tactics, do research and assist in brief writing and appeal briefs amicus curiae, and also assist prosecutors in the trials of obscenity cases. In the 27 years since Charles Keating founded CDL, we have seen the porn industry grow from an underground business to a national syndicate associated with organized crime. Federal enforcement is mandatory if serious restrictions are to be made in the hard-core pornography traffic, and its use as a laundry for drugs, gambling, prostitution, extortion, and gun smuggling activities.

The truth of the organized crime control of pornography production and distribution, and much of the distribution of child pornography, can be seen in the attached Exhibits A, B, and C, which are governmental reports on the involvement of organized crime in the pornography syndicates.[1] As further and enlightening proof of this significant problem and need for immediate attention and action, we quote from a report by the FBI in 1978, following an in depth study by all 59 Field Offices nationwide, where the Bureau summarized its findings as follows:

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[1] Exhibit A - Report Entitled: "Organized Crime Involvement in Pornography", Prepared by United States Department of Justice, June 8, 1977, and as Introduced into the Record of hearings before The New York State Select Committee on Crime, July 26, 1982; Exhibit B - Excerpt of Report Entitled: "Organized Crime in California 1982-83", Prepared by the Office of the Attorney General for the Annual Report to the Legislature of the State of California; and Exhibit C - Excerpt of Report Entitled: "Organized Crime", Prepared by The Law Enforcement Consulting Committee for the Report to the Governor of Ohio 1982.

> SUBJECT: FEDERAL BUREAU OF INVESTIGATION REPORT REGARDING THE EXTENT OF ORGANIZED CRIME INVOLVEMENT IN PORNOGRAPHY
>
> Summary of information furnished from FBI field divisions as well as an analysis of the key figures involved in pornography in the United States
>
> It is the impression of Special Agents of this Bureau doing field investigations that there is a national pattern of inconsistent enforcement of pornography laws throughout the United States. Many of the state and local ordinances are ineffective and, when convictions are obtained, which are usually difficult in each instance, the sentences directed at individuals are usually light and ineffective and do not act as a deterrent. The financial rewards for pornography peddlers far outweigh the chances for arrest, conviction, and fine. There appears to be complete agreement nationally that prosecution should be pursued vigorously against child pornographers; however, if total emphasis is given to the child pornography area, this could give the impression that law enforcement condones adult homosexual and heterosexual obscene films and magazines, and the flow of these materials will continue unabated, producing enormous profits for organized crime and their associates.
>
> There are numerous possible explanations for what appears to be almost total apathy in some areas of the United States concerning adult pornography matters, and a number of FBI offices have reported that people seem to feel that as long as it does not involve or bother them personally, "let it alone," and if an individual wants to spend money on films and magazines of an obscene nature, it should be his prerogative. A number

of our field offices, in contact with local police authorities, have obtained information that the majority of individuals arrested on sex-related criminal offenses have in their possession at the time of arrest some type of pornographic material. In one large western city, the vice squad advised that 72% of the individuals arrested for rape and child-related sexual offenses had in their possession some type of pornographic material.

It was the usual opinion of the police and prosecutors interviewed during the course of the survey that pornography matters have an extremely low priority, and there is usually a reluctance to prosecute, which is based on several reasons: the complicated nature of the cases, inexperienced prosecutors, highly skilled and organized first amendment defense specialists, resultant "fear" of losing the cases and, as mentioned previously, the light and ineffective sentences. Even if successful, there frequently is a willingness on the part of prosecutors to plea bargain and allow corporations to plead guilty as opposed to the individuals involved, resulting in relatively small fines rather than incarceration.

In conclusion, organized crime involvement in pornography, as evidenced by this survey, is indeed significant, and there is an obvious national control directly and indirectly by organized crime figures of that industry in the United States. Few pornographers can operate in the United States independently without some involvement with organized crime. Only through a well-coordinated all-out national effort from the investigative and prosecutive forces can we ever hope to stem the tide of pornography. More importantly, the huge profits gathered by organized crime from this area and then redirected to other lucrative forms of crime, such as narcotics and investment in legitimate business enterprises, is certainly cause for national concern even if there is community apathy toward pornography.

The problem of pornography goes deeper than its widespread availability in hard-core "adult" bookstores and theatres in nearly every community, on cable and subscription television, at nearly every convenience store, over the dial-a-porn services, and through underground networks. The public is growing in its awareness that the availability of pornography is a major factor in the increasing sex crimes of violence, rape, sexual exploitation of women and children, and even serial murders. All the major universities now studying the effects of pornography are documenting that exposure to violent and aggressive pornography leads to acting out of such aggression. Further, it is being proven and accepted that it is exposure and use of milder or "softer" forms of pornography which lead to "desensitization" to its images and an "escalation" to the more violent and deviant forms of pornography. For examples of this research, see Exhibits D and E.[2]

This research directly contradicts the absurd, biased, and out-of-date findings of the President's Commission on Pornography, to which CDL's founder, Charles H Keating, Jr., filed a Dissenting Report in 1970 as one of the three Minority Commissioners. The Senate rejected the Majority Report, with only five (5) Senators voting in favor of its misguided findings and recommendations. Regardless, it must be remembered that in 1969 and 1970, hard-core pornography was available only in major inner-city porn shops, and the type of porn found there was less explicit than now seen in the "men's sophisticate magazines" found at the corner convenience stores, and in films on cable television. Child pornography, fisting shots, rape, sado-masochism, and bestiality are products of the last ten years. It is governmental inaction that has created these modern monsters, and it is prosecutorial dedication that can reverse the situation and restore America to its decent and safe origins. There is no shame in prosecuting pornographers. It is not censorship, but law enforcement. They are not free speakers, but sex exploitation con artists. We are not prudes and fanatics, but concerned citizens with the right to a safe and proper community to raise our children and walk with our families in our neighborhoods and business districts. It is, quite simply, common sense and self preservation. The problem is so pervasive and insidious that the reality of the streets and the crime statistics speak louder than we can continue to ignore. For a summary of the situation from a citizen's and law enforcement viewpoint, see Exhibits F and G.[3]

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[2] Exhibit D - Scientific Paper Entitled: "Aggression Against Women: The Facilitating Effects of Media Violence and Erotica", Prepared by Victor B. Cline, Ph.D., Department of Psychology, University of Utah, April 8, 1983; and Exhibit E - Excerpt of Book Entitled: Proceedings & Resource Book of the Symposium on Media Violence and Pornography, Toronto, Canada, February, 1984 and Excerpt Entitled: "A Brief Summary of Recent Research in Aggressive Pornography", Prepared by David A. Scott, Editor and Symposium Chairman.

The federal government has virtually ceased enforcing the federal obscenity laws since the administrations of Attorneys General Levy and Civiletti. Unfortunately, many local prosecutors followed this tired and apathetic example. The police departments have remained interested and concerned, and continue to be ready to vigorously enforce state and federal laws, if given the chance. Attorney General Smith has taken the restrictions off federal agencies and the U.S. Attorneys, but more is needed than a green light. He must say "Go", and order renewed efforts to enforce compliance with existing laws. Congress can help, by strengthening and improving those laws, as was done with the child porn laws in the Child Protection Act of 1984. CDL, therefore, makes the following modest recommendations, none of which is burdensome to the federal budget, agencies, or the First Amendment, and all of which would contribute to a real and proper change in today's situation we all find so intolerable:

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[3] Exhibit F - Article Entitled: "Pornography 1984: Its Pervasive Presense in American Society", Prepared by Paul C. McCommon, III, for the National Decency Reporter; and Exhibit G - Statement Entitled: "The Effect of the Pornography Industry on the American Family and the Sexual Exploitation of Children", Prepared by Bruce A. Taylor for the Attorney General's Task Force on Family Violence, February 1, 1984.

1. That Title 18, United States Code, Sections 1961, et seq., the Racketeer Influenced and Corrupt Organizations Act, be amended to include as predicate offenses, the traffic in obscene material in violation of 18 U.S.C. Sections 1461, 1462, 1463, and 1465, and the traffic in child pornography in violation of 18 U.S.C. Sections 2251 and 2252.

2. That the penalties for violation of the federal obscenity statutes, 18 U.S.C. Sections 1461, 1462, 1463, 1464, and 1465, be raised to be a fine on first offense of "not more than $50,000", and on subsequent offenses to a fine of "not more than $100,000" and imprisonment for "not more than ten years".

3. That violations of the federal obscenity and child pornography statutes be subject to investigation by means of judicially authorized wiretaps.

4. That Title 18, United States Code, Section 1464, be amended to read that broadcasting, telecasting or cablecasting, obscene, indecent or profane language or pictures by means of radio, television, or cable communication be covered within that section.

5. That the Congress pass a Resolution calling for renewal and strict enforcement of the mandates of Congress contained in the existing federal obscenity statutes, and supporting and encouraging the President to direct increased federal law enforcement, and the Attorney General to direct and improve cooperation and enforcement on federal and state levels.

6. That this Committee, and the Congress, pass a Resolution supporting and encouraging the appointment or assignment of seven Assistant U.S. Attorneys or Strike Force Attorneys to prosecute federal cases in the federal Districts in each of America's seven major pornography production and control cities, which are Los Angeles, New York, Cleveland, Washington, D.C., Houston, Boston, and Chicago. Further, that the FBI and Postal Service assign one or two agents and inspectors to assist these attorneys in each city. Further, that those U.S. Attorneys offices which are now active be encouraged and allowed to continue enforcement, particularly in Louisville, Raleigh, Buffalo, Memphis, and the Strike Force in Miami.

7. That in the event Congress recodifies the criminal code, that the obscenity statutes remain substantively the same, with increased penalties, or if reworded to adopt existing case law favoring law enforcement, as suggested in Exhibit H.[4]

With these improvements in the law, law enforcement will be more effective, efficient. It would also be less expensive to the taxpayers and more deterring to the violators, which is as it should be. Immediate results can be achieved, by putting the federal agents back in the streets and the prosecutors back in the courts, where they belong and should long to be. This openly notorious business is so consolidated into its nationwide syndicate that it could not long withstand serious law enforcement.

This is a problem which can be solved, with statutes which are already held constitutional, and we dare not ignore the weapons for today's battle for more years of frustration and increased danger. Congress could take a leadership role and turn this whole mess around in a few short years.

Thank you for this opportunity to express our thoughts, experiences, and advice on this vital subject. CDL remains dedicated to effective and fair enforcement of the law and offers our assistance to Congress, the President, and the federal enforcement agencies to the fullest extent of our powers and resources.

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[4] Exhibit H - Excerpt from the Statement on Senate Bill 1722, Prepared by Charles H Keating, Jr., for the Senate Committee on the Judiciary, October 15, 1979.

Senator **Specter.** Let's return now to specifics, and could you summarize them just as briefly as you can, because of the appropriations continuing resolution, I am going to have to adjourn momentarily. Hit the highlights that you believe that women ought to be able to act on, other than the specific women who are the subjects of the pornography on damage to the class of women.

Ms. **MacKinnon.** I think that either women are or are not unequal to men in this society. What the law against sex discrimination is about, the impetus that brought it forth, and that has sustained it through the courts, has to do with an awareness that whenever you can document that some people are treated unequally to other people on the basis of their sex, that they should be able to do something about it. So what our law is attempting to do, and does, is to say that pornography is inconsistent with the equal status of the sexes, and, therefore, should be actionable by people who are hurt by being kept unequal by it.

Senator **Specter.** May I just direct your attention to specifics as to what categories of injury there are? You claimed there is injury on job discrimination as a result of pornography.

Ms. **MacKinnon.** We have documented——

Senator **Specter.** On housing discrimination.

Ms. **MacKinnon.** We have documented the relationship in particular detail between pornography and rape, battery, sexual harassment in a variety of contexts, including what arguably might be called sexual harassment in the home to child sexual abuse, and forced prostitution.

[Answers to written questions from the subcommittee staff and Senator Denton to Ms. MacKinnon and Ms. Dworkin follow:]

ANSWERS TO QUESTIONS FOR CATHARINE MACKINNON AND ANDREA DWORKIN FROM THE SUBCOMMITTEE STAFF

PREFATORY COMMENT

A perspective on the social problem of pornography is implicit in some of these questions. By repeatedly inquiring "how many women" have experienced certain treatment, and by repeatedly qualifying the treatment of interest as "violent," the questions appear to suppose that the relevant way to document the extent or severity of this injury is to count victims of particular activities, and that a significant dimension of the harm of pornography is socially considered to be an abuse.

Certainly, many women are victims of each activity our ordinance makes actionable. And, if you see women as human beings, pornography is definitely violent. But we accept neither head-counting nor "violence" as definitive standards for assessing the true magnitude, nature, existence in reality, or necessary legal actionability of the distinctive harmful practice pornography constitutes. In all our work with sex inquality, we have found that the perspective that can only see a harm as real if it can be measured in certain ways—incidence and violence being common among these—has been part of the way the distinctive injuries of women's subordinate status are devalidated and kept invisible as injuries. What we are saying is, if these are the important questions to you, you will probably never get answers that will make you think that pornography is an important problem.

We would like to explain why we see this to be the case. If women are socially second class citizens, specific instances of particular women being treated as second class are not exceptional, and their severity is a matter of degree. If the status of women is defined so that violation, specifically sexual violation, is normative, whether or at what point something will be considered violence along a continuum that normalizes women's violation as sex is an issue. In this context, the numbers of women who are violated in the specific ways requested in these questions are, if the truth were known, massive. But the truth is very hard to come by, and probably will remain so, at least so long as the pornography powerfully defines these abuses as he propoer uses of women, so that they are not discerned at all, or if discerned they are unspoken, or if spoken they are ridiculed, or if not ridiculed they are not believed, or if granted tentative credibility they are not considered proven over a denial—when the pornography continuously stacks the standard of doubt and the burden of proof as a practical matter. This is part of what we mean when we say that pornography silences women; it goes to the current impossibility of accurately counting its vicims. If this silence is not seen as part of the damage done, if it is required that the victims be counted before they will be seen as victimized, the pornography will have once more succeeded in making the injury it does invisible, therefore nonexistent.

The way the standards implicit in your questions obscure the distinctive injury of pornography can perhaps be further clarified. If half the population is living its entire life on an angle and that angle is socially presented as level; if half the population is living its life on its back and that posture is socially perceived as what it truly means for them to stand on their own two feet; if this angle and this posture are presumed to express who these people really are, such that treating them accordingly is considered appropriately compelled by their being, much like the treatment of prisoners or domesticated animals collapses their conditions into their essence; if, then, life in prison or at oblique angles or in the prone position is to be criticized, it becomes very odd to be asked, as documentation for that critique, how many of these so-called victims are to be found only at forty-five degrees or in solitary torture instead of merely caged. Not only does that reduce the critique of the condition of many people to that of an exemplary few; it reduces the whole critique, which is that to be bent or confined at all is to be victimized, to a critique of some of its selected excesses.

If pornography sets the angle "woman" and defines slavery as freedom and down as up, your head-counting questions amount to asking us how many women are treated like women. At any moment, any woman can be treated in these ways, with almost perfect impunity. At this moment, almost all of those who are being treated in these ways are women, or children. And, one is treated in these ways because one is a woman, and pornography is part of the process through which this occurs.

Question No. 1. How many people in the United States would you estimate annually are:

(a) Coerced, through actual physical force, into posing or performing for sexually explicit materials?

(b) Intimidated, through threats of physical violence to themselves or others, into posing or performing for sexually explicit materials?

(c) Fraudulently induced into posing or performing for sexually explicit materials, by (1) being intentionally misled into believing that their actions will not be filmed or otherwise visually reproduced when in fact their actions are so reproduced, or (2) being intentionally misled to believe that a visual reproduction of sexually explicit conduct will not be distributed to the general public, when such reproduction is in fact distributed to the general public?

Answer No. 1. It is impossible to give anything resembling an accurate estimate for (a), (b), or (c). When sexual harassment was made legally actionable, there were no controlled studies of its frequency—incidence or prevalence. The view apparently was that if something like that happened to only one women, legal recourse should be available to her, and the fact that such things did not happen to all women at work did not mean that it did not happen to those women to whom it did happen. Once a space was opened for effective articulation of the injury through the possibility of actually doing something about it, studies became possible that showed, among other things, that about 85% of women employed by the Federal Government (considered a relatively representative employee group) can expect to be sexually harassed at some point in their working lives.

Violence against women saturates this society. But until the women's movement made a social issue out of even those abuses that are already formally crimes, like rape and domestic battery, there was no legal, social or political support for the victims to report them. Battery of women in their homes, now believed by the FBI to be the most commonly committed crime in the country, occurs once every eighteen seconds on the average. Before the women's movement articulated it as a social problem, it was almost entirely invisible and was largely considered exceptional. We now know also that only a minute fraction of rapes is reported. As with battery, accurate incidence data on rape (e.g. 44% of all women are victims of rape or attempted rape by legal definition, excluding marital rape) are only now becoming available to contrast with prior pathetically small known numbers, although rape has been (at least formally) considered a crime for some time.

Many women do not trust this legal system for reasons that are not unrealistic. This is particularly true for women like forced pornography models, who are seen as simply prostitutes, among the most disenfranchised and disregarded of citizens. The multiplicity of the crimes of sexual abuse involved in making pornography, the acts photographed as well as the acts of sexual abuse used to achieve compliance, tend to include rape (including gang rape), battery, child sexual abuse, and forced prostitution. There has been previously no way for most of the women forced into pornography to comprehend, let alone to articulate for the benefit of public policy, the mass of violations of their person. They are typically desperately poor, terrorized by systematic brutality, often incest victims who left home thinking nothing could be worse, and are defined outside of social respectability and legal recourse by their criminal status. The photographs, even when they document crimes against them, are socially taken as proof of their compliance. They have no credibility and they know it. At least some of them are dead. Perhaps this clarifies some of the difficulties in counting them.

In addition, much pornography is now made inside the home. This is a relatively new development to our knowledge, encouraged by new video technology often marketed to promote this activity. We do not see much of this material. It becomes known, typically, when a woman, usually because of battery, seeks refuge

In this context, it is not hyperbolic to suggest that many women are coerced through physical force into pornography. (Remember, a woman is battered every eighteen seconds.) You can go into the pornography stores and start counting the women who are being hurt in the pictures. It is impossible to assume that these women are not being physically compelled. (Those who are not, in ways the ordinance defines, simply would not use the law.) One might say the same about all the women who are being urinated on and defacated on, penetrated by animals and objects, and used in bizarre ways, including deep throat penetration, to make the pictures of these activities.

Given the depth and pervasiveness of sex inequality, it is impossible to estimate the numbers of women intimidated into pornography through threats.

Fraudulent inducement is extremely common. Especially vulnerable are very young women, women who are beginning careers in show business and modelling, and poor women. If you consider women's options, you will see why this sort of fraud would be particularly effective.

Question No. 2. Do you think people who are so coerced, intimidated or fraudulently induced into pornography ought to have a right to seek treble damages, costs of suit, and an injunction in federal court? Why might current legal remedies be insufficient for these people?

Answer No. 2. Right now, these people have no rights.

Recovery from the actual coercion, as well as from the continued abuse that occurs through the public availability of the films or photographs themselves, takes a long time. This time puts most victims outside current statutes of limitations. As to the underlying crimes, prosecutors typically will not prosecute for prostitutes or "porn stars" anyway, particularly since the prosecutions would be expensive and cumbersome for any locality, since the perpetrators tend to operate on a national or international scale. Privacy actions and laws tend not to fit the specific realities of this violation; single publication rules often make them impractical. Overwhelmingly, the women who are violated have no credibility. They will not until the government takes energetic measures to recognize that coercion of women into pornography is a major social issue.

Treble damages, cost of suit, and an injunction in Federal court would help encourage victims to sue. However, we see it as crucial to establish the claim for coercion into pornography as a claim for sex discrimination, not simply as a Federal tort. Without specifying the context as gender, women victims will be left on their own as abstract individuals, without the sensitization of the adjudication to the sex-specific context within which this violation occurs. For similar reasons, it is crucial that the list in our ordinance of reasons which, without more, will not negate a finding of coercion, be included. It represents the history of women's experience of devalidating excuses at the hands of this legal system. Omission of these legal features runs a substantial risk of making such a cause of action worthless in women's hands.

Question No. 3. What advantages or disadvantages do you see in creating causes of action for coerced pornography models at a Federal rather than a State or local level?

Answer No. 3. If such a law is properly based in factual hearings with substantial victim testimony, and properly legally situated, there are no disadvantages. The advantages that are usual for Federal legislation—scale, uniformity, access to federal court—apply.

Question No. 4. How many Americans would you estimate read or view violent pornography, as defined in the Minneapolis ordinance, on an average of once a month, or more frequently?

Answer No. 4. Playboy, Penthouse and Hustler, all of which contain, promote and correlate with violence against women (at least, magazines of this genre correlate with the reported rape rate in the aggregate, a recent study shows), sell around 15 million copies a month. Pornography comprises about half of the video market. There are at least a dozen over-the-counter slick pornography magazines in most drug stores, newsstands, and convenience stores in most localities. The paperbacks, the loops, the films, and cable all provide sexual violence against women. It is highly unlikely that $8 billion a year represents consumption by a few degerates.

Question No. 5. You have said that pornography is "central" in creating and maintaining gender inequality. What do you mean by "central"?

Answer No. 5. Pornography sexualizes inequality. It conditions a sexual response to women's lower social status. Pornogrpahy behaviorally reinforces the pleasure of seeing women exploited and raped with orgasm. The contempt for women it fosters, with the aggression towards women it requires and produces, increases discriminatory attitudes and behaviors and puts women in constant physical jeopardy. Pornography targets women for the systematic sexual abuse women do experience.

In theoretical terms, pornography defines women as inferior creatures who want to be used, raped, hurt, humilated. This is, in fact, a widely-held belief in this society, especially visible in rape cases, when the victim is essentially blamed for the rape. Any act or failure to act on her part can be and often is taken as proof that she wanted to be forcibly violated, by rapists, judges, jurors, media and observers alike. In empirical terms, pornography is right at the center of a significant amount of sexual abuse. In many cases, pornography is physically part of the abuse; in many other cases, it is used by the perpetrators of sexual assaults either immediately or over a longer period of time.

Question No. 6. If all violent pornography disappeared suddenly, how do you think women's status in society would be affected?

Answer No. 6. The other-worldly quality of this question suggests an equally other-worldly answer: things would be better.

But under no realistic scenario will pornography suddenly disappear. The only way it can be eradicated is through a social process combining its delegitimization as bigotry with effective sanctions in the hands of its victims. Our view is that women's social status can only be improved by its eradication if it is done in this way. Obsecenity laws, by contrast, have not improved women's status one iota; in fact, it is arguable that they have made it worse, if an increment of failure to improve a totally dismal situation together with contributing to making that situation sexy can be called making it worse.

Without the victimization of women and children in all the ways our law makes actionable, the pornography can not exist. As victims moved against it in these ways, the acts of rape and other coercion currently required to make it would be reduced. On this level, our law gives workers in the sex industry the first limits that have ever been written on what they can, legally, be forced to do, that puts the power in their own hands. Too, the documented increases in male acts and attitudes of aggression and discrimination that are attributable to exposure would stop escalating. The society would slow its rate of production of men who eroticize violence and domination and require it in ever increasing doses. This would, long term, have a major impact on aggregate measures of violence against women. Maybe some day women wouldn't have to walk down the street with downcast eyes.

Question No. 7. Under your definition of pornography, material must "subordinate women" to be actionable. This suggests that all violent, sexually explicit materials that meet the other parts of your definition do not necessary subordinate women.

(a) What factors would be used to determine whether a specific piece of violent pornography does subordinate women?

(b) How many women would have to be subordinated to qualify a specific item as pornography?

(c) Would a woman be required to show that women are subordinated in a tangible, concrete form by a given piece of material? Could subordination be established by showing that a particular item led to a woman's serious emotional distress?

Answer No. 7. We do not use the term violence in our definition. Violence is a code term for treatment that is perceived to violate. The whole point of the way pornography works is that it defines women as those who are not violated, but rather fulfilled, by being treated in the specific concrete ways our statute enumerates. We expect that most courts could be brought to see that violence in these forms are acts of subordination, while not all subordination need be violent. Expectably, a jurisprudence of pornography, based on cases with real pornography present, would develop. In such a context, courts would also see that the ordinance is structured so that the legislature has already made the conclusion that any woman can represent "the subordination of women". Any question as to the relation of the plaintiff to the injury is thus only a question of whether the materials at issue are pornography under the definition. If they are, she has been hurt by them by virtue of being a woman in a society in which these materials are part of her second class status on the basis of her gender. Any judicial inquiry into this would either be an attempt to see if the evidence the legislature had in front of it justified this granting of the cause of action, or an attempt to re-legislate.

Question No. 8. What do you think the Federal Government ought to do in response to pornography?

Answer No. 8. The Federal Government should research its options, which include: (1) passing a free-standing statute, on the model of the Voting Rights Act perhaps, with all the features of the civil rights pornography law, stating a substantive Federal right. Whether it had its own remedial structure, or used 1983/1985 etc. would need to be researched and decided, and resolved with other questions of administrative or judicial access; (2) passing an amendment to the Civil Rights Act of 1964, by creating a new title with all the features of the civil rights pornography law, making clear in its legislative history its constitutional basis in the fourteenth (possibly also thirteenth) amendment as well as possibly other bases; (3) RICO could be amended by adding a sex-discrimination claim for coerced pornography models; RICO could also be energetically enforced against pornographers to put them out of business.

RESPONSES TO QUESTIONS BY HON. JEREMIAH DENTON TO ANDREA DWORKIN

Question No. 1. What is wrong with a magazine like Playboy?

Answer No. 1. Playboy magazine is a bona fide part of the trade in women.

The format of playboy was developed to protect the magazine from prosecution under obscenity law. Writing from recognized writers was published to meet a standard of worth that would get the magazine first amendment protection. The first amendment was then cynically used by playboy to protect its sexual exploitation of women. playboy sells women.

The women in playboy are dehumanized by being used as sexual objects and commodities. The term "bunny" is use to characterize the women as less than human—little animals that want sex all the time.

The women in playboy are presented in postures of submission and sexual servility. Constant access to the throat, the anus, and the vagina is the purpose of the ways in which the women are used.

Playboy's particular targets in the last two or three years are working women, including nurses, police women, and military personnel. It promotes sexual harassment.

Underlying all of playboy's pictorials is the basic theme of pornography: that all women are whores by nature and want to be sexually accessible to men at all times. Playboy particularly centers on sexual display as what women naturally do.

Playboy, in both text and pictures, promotes rape.

Its cartoons promote both rape and child sexual abuse.

There is also some amount of violent material in Playboy. The text often enthusiastically promotes various acts of violence against women. The pictures usually include some pictures that exploit sadomasochism: women are hurt in them or are in some physical danger. (For example, a woman is naked with her legss played and has acupuncture needles all over her body, including in her breasts and between her legs; or a woman is chained to a pole and surrounded by laser beams.

The magazine's first issue used Mr. Hefner's secretary as a centerfold; as her employer, he had sex with her too. As the Playboy empire has increased in power and wealth, Mr. Hefner's personal use of the women in the magazine has continued. He uses them and he sells them. Now the women are brought to him by lesser pimps; he need not recruit himself. For instance, Linda Marchiano, known as Linda Lovelace in "Deep Throat," was pimped to Hefner by her then-husband, Chuck Trainor. Hefner sodomized her and tried to have her have intercourse with a dog. Dorothy Stratton, a Playboy centerfold who was murdered by her pimp husband Paul Snider, was coerced into photo sessions by Snider, who then sold the photos and Dorothy herself to Hefner. Hefner had sex with Ms. Stratton against her will in an exercise of power over her as her employer.

The women used by Mr. Hefner personally and in the magazine are rarely much over eighteen.

The sexual exploitation is what the magazine is, what it does, what it sells, and how it is produced.

Question No. 2. Your definition of pornography seems limited to include only material that subordinates women.

Doesn't pornography subordinate men as well?

Answer No. 2. The definition of pornography developed by Catharine MacKinnon and myself for the Minneapolis ordinance, then revised for the Indianapolis ordinance, does include men, as well as children and transsexuals, when they are used in pornography in the ways women are.

Question No. 3. Doesn't the legal approach you suggest discriminate against men, in the sense that it ignores the manner in which men are harmed by pornography?

Answer No. 3. The civil rights approach as embodied in the legislation we developed addresses the harm pornography does to men in these ways:

(1) The definition includes pornography in which men are used as women are used;

(2) Under the trafficking section, when the pornography has the same effect on the civil status of men that it does have on the civil status of women, it is actionable; when men are subordinated by it in the same ways women are, it is actionable;

(3) Under coercion, forcing pornography on a person, and assault or physical injury due to a specific piece of pornography, all persons, including transsexuals, are covered.

The evidence shows that women and children are the primary targets of pornography. It seems important under the trafficking provision, where some persons are bothered by what they take to be its sweep, to identify where the harm of pornography is situated without denying redress to any person who is harmed by it.

In Minneapolis, we had testimony showing the use of pornography in male homosexual battery. We want any person who is hurt to be able to get relief under this law.

Question No. 4. If pornography alters or distorts a male's view of sexual activity, doesn't this misinformation harm men?

Answer No. 4. The ways in which pornography distorts men's views of sexuality and of women do harm men. But the harm is significantly different than the harm pornography does to women.

It is one thing to have a distorted view; it is another to hurt someone else because of those distortions. The sexual abuse that goes into making pornography and that accompanies the using of it hurts the victim of the sexual abuse first and foremost. It is certainly true that the man's humanity is diminished by his cruelty; but this harm is not the same quality of harm that his victim experiences.

In the same way, when pornography so distorts a man's view of women that civil discrimination and inequality are the results, he is diminished in this humanity, but she is denied her rights.

Experimental evidence shows that pornography increases aggressive behavior in normal men towards women, develops attitudes that are pro-rape, and makes men unable to perceive rapes as such. Certainly, men are diminished in their humanity by these changes caused by pornography; but the consequences for women as the targets of those changes are of a different order.

Question No. 5. Dr. Dolf Zillmann, of the University of Indiana, has done significant research on the effect of massive exposure to nonviolent, noncoercive, heterosexual pornography on the so-called "normal individual". His studies indicate that exposure to this type of pornography:

(1) Creates an appetite for more unusual, bizarre and deviant materials, including violence in a sexual context such as depictions of sadomasochism and rape; and

(2) Leads to sexual dissatisfaction in both men and women, particularly in man. Both men and women become dissatisfied with the sexual performance of their intimate partners, and even with their physical appearance; and

(3) Leads to a devaluation and depreciation of the importance of monogamy and to a lack of confidence in marriage as either a viable or lasting institution. Nonmonogamous relationships come to be viewed as normal and natural behavior; and

(4) Diminishes concern about the proliferation of pornography.

What is your opinion about the effects of massive exposure to non-violent, noncoercive appearing pornography.

Do you agree that there are any negative effects which flow from non-violent pornography?

Answer No. 5. I think that there are many bad effects of massive exposure to so-called nonviolent pornography.

In pornography, the inequality of women is sexualized. This is achieved in pornography that relies on dehumanization of women, presenting women in postures and positions of sexual servility, submission, and accessibility. This is achieved in any pornography that uses women's bodies to demonstrate that women are whores by nature. This is achieved in any pornography in which women's body parts are used for sexual effect.

In my veiw, the most effective pornography appears to be noncoercive. No matter what is happening to the woman—from display to gang rape and torture—she is shown to be an active participant in her own abuse. For instance, she may smile and inflict wounds on herself. While there is some pornography in which women do not appear to be actively enjoying the acts in which they participate (I include display as an act), in most pornography the point is that the woman wants to be used. Even if she resists at first, at some point she recognizes that she is getting tremendous pleasure from being used.

The consumer believes that when he sees women in pornography, he is seeing women who are experiencing sexual pleasure.

Exploitation, objectification, display, in pornography also create in men a belief that women should be accessible to them in the ways women are accessible in the pornography; that women really want what the women in the pornography appear to want.

The pornography books, in which sex and violence are entirely fused in the graphic language and the text is an encyclopedia of sexual abuse, have the same bad effects. There are no photographs.

So-called nonviolent pornography also plays an important role in sexual abuse. The role of mainstream pornography magazines is sexual abuse is widely documented by victims. *Playboy* is frequently implicated, especially in molestation of children (perhaps because it is so available where children are).

We know that women are coerced into so-called nonviolent pornography. "Deep Throat" does not have overt sexual violence in it; yet phenomenal violence was employed to make the film. So-called nonviolent pornography could not exist as massively as it does without coercion to make it.

Pornography that is not explicitly violent causes the whole range of bad effects on women's lives: coercion into it, having it forced on one, use in sexual abuse, and the creation of civil inequality and discrimination.

It is also my view that so-called nonviolent pornography is very responsible for making it hard, even impossible, for men to see women in general as worthwhile human beings—as worthwhile as they themselves are.

Question No. 6. If pornography alters a male's attitudes and behavior toward women, in a negative fashion, doesn't this harm all of society, as well as women? What legal remedies exist to protect society against this type of harm?

Answer No. 6. Pornography does alter men's attitudes and behaviors towards women in devastating ways, and this does harm society.

First, the sexual abuse fostered by pornography means that fully half the population is kept from living to the maximum of their potential and contributing their gifts to the society.

Second, the discrimination fostered by pornography means that fully half the population is denied rights; and it is only through the exercise of those rights that they can contribute their human value to the society.

Third, the valuation of women as worthless impoverishes the society that holds such an opinion.

Fourth, the ways in which pornography blights neighborhoods destroys the quality of life for people living in those neighborhoods, especially women and children. This is an important social harm.

Fifth, it cannot be good for society when men are calloused to the human dignity and integrity of women.

Sixth, I believe that pornography fosters a deep alienation in a community of people, so that they are less concerned about violence, the quality of life, the welfare of strangers and family.

Seventh, I believe that pornography creates a positive pleasure in the exploitation, humiliation, and degradation of other human beings. This turns the society into a brutalizing, sadistic community, in which values based on commitment and respect cannot survive.

In my view, there are no legal remedies at this time that effectively protect society against this kind of harm.

Obscenity laws have left men access to the pornography while being used to prosecute people because of their creative, political, or intellectual nonconformity. The point here is that men continue to use pornography, which they view in private or in communities of men, and the pornography has the effects already outlined—it creates discriminatory attitudes, behaviors, and sexual abuse.

Zoning laws leave neighborhoods in which poor and struggling people live especially subject to blight by pornographers. Life is hard enough in these areas. The pornography creates street harassment of the women living in the neighborhood, and destroys the quality of life, such that decent working people have difficulty keeping their children from harm and themselves from both harm and despair.

The civil rights law promises to undo some of the harm to society by spelling out clearly that society objects to the degradation of its citizens. A society must be unwilling to allow this kind of sexual exploitation. Since this society has allowed this brutalization to occur, a law is required that articulates positive values: especially the worth of the women, because women are the targets of pornography.

Question No. 7. How do you explain the presence of female pornographers, such as "Black Cathy Wilson," the convicted child pornographer?

Answer No. 7. Sadistic abuses of people arise out of extreme differentials of power, in my view.

In this society, men have enormous power over women and children; women have enormous power over children. As a result, the one crime of violence that women commit with real frequency is child abuse. Child pornography is a form of child abuse.

In most child pornography rings, the power is in the hands of a man or men; but women are sometimes involved in handling the children, including preparing them for abuse and less frequently actually performing sexual abuse on them.

If we think of how powerless children are—how little recourse they have when adults hurt them—it is no surprise that, since women are their primary caretakers, women are sometimes involved in their exploitation, including in pornography.

It is perhaps remarkable the women are so infrequently involved in producing child pornography, given how poor women are as a group, how little decently paying legitimate employment is available especially to poorly educated women, and how much control women have over children.

I think that more women will be involved in producing child pornography in the future unless we find a way to erode or reverse the social effects of the pornography. Extreme indifference to the welfare of human beings is an absolute result of pornography; and women are not immune from these effects.

Many professionals believe that most child abusers are often recreating abuse that they experienced as children. If this is true, we are creating a population of people, especially women, who will perpetuate the child abuse of pornography. This will grow in future generations; and the abusers will certainly include more women.

Question No. 8. Do you approve of "consenting", sado-masochistic materials, or do you believe the law should proscribe their production?

Answer No. 8. I do not in any way approve of so-called consenting sadomasochistic materials.

I believe that consent is virtually nonoperative in the production of pornography, especially in sadomasochistic pornography. The women used in this pornography are victims so many times over that the notion of *consent* is an absurdity. These women are in a descent towards death. They are the sexual disappeared of this society: frequently (75% of the women) victims of sexual abuse as children, living in prostitution, sadomasochistic pornography being regard as the nadir of this life even by the people in it. A woman in sadomasochistic pornography simply has nothing left to sell by any standard, and has been used and abused to the point where there is nothing else.

Proscribing the production of sadomasochistic materials is simply ineffective in stopping the production of those materials. One important reason is that the abuses of the women in the pictures are blamed on the women; and the abuses of the women that constitute the force necessary to get them into the pictures are also blamed on the women. The crimes against the women are not prosecuted.

The pornographic view that women are responsible for rape, battery, and other assaults, keep the women used in the pornography victimized. The pictures seem to be proof to the society at large and to men in general (including men in law enforcement)—not proof that the women are being hurt, but proof that the women are guilty of having provoked or deserved whatever is being done to them.

The most important reason for enacting the civil rights legislation on pornography is that it undermines the way that pornography defines women as a class (a definition that is a successful social practice of actual subordination). Pornography says that the women in those pictures are hanging from meathooks, for instance, because that is what they want. A civil rights law says that this society is going to presume that women are hurt by inequality and sexual abuse, do not seek them out, do not want them, are injured by them, do not enjoy them, and will actively seek equality by suing those who stand in the way of equality through producing pornography, which is antagonistic to every single right of citizenship that women must have.

Women need this articulation of public policy.

Obscenity law suggests that our bodies are dirty; not that what is done to us is obscene.

Zoning laws say that one can enjoy these abuses in some neighborhoods.

A civil rights law would say that this society holds that the pornographers are wrong about women; that we are persons of worth who want to exercise rights of equality and personal dignity in a society that respects us. A civil rights law would also say that sexual exploitation is not a male right of citizenship.

Sadomasochistic pornography underlines the utter disregard in which women are now held: our torture is entertainment. A civil rights law would change the balance of power, so that, instead of being at the mercy of the pornographers, we could fight them. We want to stop them. The state has not stopped them, because the state does not seem to know when we have been injured. We do. We are fighting for our lives and our futures.

Senator SPECTER. Let us at this point go to Mr. Barry Lynn.

Ladies, you may sit there while we proceed. There may be some responses as cross testimony would have here.

Mr. Lynn, we welcome you here. We had Professor Dershowitz who had accepted our invitation, and we were informed that he would not be here, and we had invited him to provide an opposite point of view. We take note of your background. Boston University School of Theology, and Georgetown Law Center, 1978. We thank you for coming. Your full statement will be made a part of the record, and to the extent you can summarize it, we would appreciate it.

STATEMENT OF BARRY W. LYNN, LEGISLATIVE COUNSEL, AMERICAN CIVIL LIBERTIES UNION

Mr. LYNN. In a nation where the real equality of women and men is neither generally practiced nor routinely portrayed, and where there is persistent violence against women, the outrage which is generated can be channeled into drastic solutions. But the effort to create new legal avenues for persons who are offended by certain sexually explicit material in order to curtail its distribution ultimately rests on the constitutionally forbidden premise that Government can be a party to the suppression of repugnant ideas and images.

I would simply like to highlight some of the particularly troubling claims which have been made at earlier hearings about the need to control pornography.

First, there is the suggestion that, unlike obscenity, pornography can be objectively defined. It cannot. For example, the kind of language used in proposed ordinances can be construed by reasonable people to cover vast quantities of art, literature, and popular culture. It is not simply the proprietor of the "Adam and Eve" bookstore who would have to wonder whether a court might find some of his sales items pornographic; it would be every movie exhibitor and every owner of a major bookstore chain.

This is the chilling effect of self-censorship: that persons will not write, or photograph, or sell, because they do not want to risk that some particularly sensitive or particularly zealous individual will decide their product is covered by statutory language.

Second, it has been claimed that pornography is a practice which ought to be regulated as a civil rights violation. In fact, it is not an act; words and pictures are pure speech.

It is essential to guarantee as a civil right that no person is denied a job, an education, or entry to a public facility on the basis of race or sex. This is true whether the decision to discriminate is based on listening to well reasoned academic discourse, reading hate literature, or watching old movies containing negative stereotypes.

However, our civil rights laws do not, and may not, insulate society from the speech of those who urge denial of those opportunities.

Third, the empirically unsupportable claim has been made that pornography is the central cause of sex discrimination. In fact, graphic sexually explicit material is not a major source of sensory input for most people.

However, if all that critics define as pornography were to disappear tomorrow, and it had in fact been central to subordination, the central position would then be taken up by other images, from cartoon shows, blue jean advertising, television situation comedies, and dozens of other sources which assault our eyes and ears on a regular basis.

Precisely the same arguments that undergird the efforts to eliminate graphic sexual images showing the subordination of women would then be applicable to the variety of remaining images which cast women in a demeaning light.

Fourth, some claim pornography does not advocate any ideas, but is simply a stimulus or behavioral conditioner. This, too, is inaccurate. Explicit material may communicate that the activity it depicts is pleasurable and appropriate. It is often a rejection of ascetic life styles, responsibility, and prudence. Of course, it may also communicate a more sinister message, that women should gain pleasure solely from subordination to men. Repulsive as that construct may be, it is a political philosophy which has dominated much of human history. It is clearly an idea and much pornography is an instrument of its advocacy.

The Supreme Court has recognized that the first amendment covers that which appeals to emotion as well as that which appeals to reason. The very complex and private feelings generated for men or women by explicit sexual material is entitled to protection. Indeed, it is as dangerous for the state, directly or indirectly, to police fantasies as to police politics.

Finally, the assertion is advanced that pornography is a proven cause of sexual violence. At most, new studies show that under laboratory conditions some men tend to act temporarily more aggressively after seeing aggressive-erotic films. This is certainly no basis for curtailing speech under any test ever devised by the Supreme Court.

The first amendment may not be suspended because an image or an idea causes the most susceptible person who sees it to behave in an antisocial manner. There is no basis in clinical or field studies to demonstrate that pornography incites men to violence in a fashion which permits abridgement of the Constitution.

There are certainly things which can be done to reach some of the abusive practices outlined at previous hearings. The public can be made aware of the elimination of spouse immunity in rape cases, and the possibility of civil actions alleging invasion of privacy.

However, the ultimate answer to the existence of offensive images must be the production of alternative affirmative ones, replacing portrayals of female subordination with ones of equality and authority.

The first amendment was designed to protect the marketplace of ideas because of a deeply rooted belief that when ideas and images compete, even if they begin in unequal status, the true and the accurate have the best chance to prevail.

In addition to the creation of these affirmative images, it is certainly constitutionally acceptable to work to create a negative image for pornography: To urge that our society would be healthier without it, to critique its moral and esthetic value, and to urge its disuse by all persons.

[The prepared statement of Mr. Lynn follows:].

PREPARED STATEMENT OF BARRY W. LYNN

My name is Barry W. Lynn. I am pleased to testify this morning on behalf of the American Civil Liberties Union. I serve as legislative counsel for the ACLU, a national non-partisan membership organization of 250,000 persons committed to the preservation and enhancement of the Bill of Rights and other constitutional guarantees.

We live in a country where the equality of men and women is neither generally portrayed nor routinely practiced. It is also a nation in which there is persistent violence against women by men who resent their achievements and the challenges they present to a male-dominated society. Against this volatile backdrop it is possible to reach for drastic proposals, including ones which could erode vital constitutional guarantees. One such flawed avenue is the new effort to curb sexually explicit material by creating broad new civil remedies so that individuals offended by it may hinder its use, sale, and distribution.

Many of the witnesses who have appeared during your previous two days of hearings, and several here today, have called for new legislative initiatives to regulate "pornography", which they erroneously assert can be objectively defined. They have made claims which would allegedly permit "pornography", now protected by the Constitution, to be excised from First Amendment protection just as "obscenity" and "child pornography" have been.[1]

Unfortunately, this approach blurs critical distinctions between advocacy and action and between cause and symptom, distinctions which must be retained in order to preserve important First Amendment guarantees. It is clearly contrary to the guarantees of free speech and a free press, because it ultimately rests on the constitutionally-forbidden premise that governments can be parties to the suppression of offensive ideas and images.

The recently adopted Indianapolis ordinance which has been embraced by several witnesses makes actionable "the graphic sexually explicit subordination of women, whether in pictures or in words" if it also includes one or more specific elements, including, for example, the portrayal of women "as sexual objects...who enjoy humiliation" or the presentation of women "through postures of servility...or display". Such language as "presented as sexual objects" lacks intrinsic or objective meaning. It either requires inquiry into the motive of the producer or allows even the most sensitive viewer's characterization to be the ultimate determination.

(The ACLU has filed an *amicus* brief in the case challenging the facial constitutionality of the Indianapolis ordinance. This is not a hearing on that ordinance *per se*. However, it is important to note that any approach to regulation of sexually explicit material which seeks to cover material not included within the Supreme Court's definition of "obscenity" in *Miller v. California*, 413 U.S. 15 (1973) or its description of "child pornography" in *United States v. Ferber* 458 U.S. 747 (1982) will face insumountable constitutional "overbreadth" and "vagueness" problems.)

These phrases can in fact be construed by reasonable people to cover vast amounts of literative, art, and popular culture in today's marketplace. Novels by Norman Mailer, Erica Jong and John Irving, sex education "self-help" books, much "erotic" and even religious art of Eastern and Western cultures, and popular music videos could clearly be included. Likewise, many of the highest grossing films of 1984, including *Indiana Jones*, *Tightrope*, and *Purple Rain*, all contain sufficient graphic thematic messages about subordination of women to result in legal actions. It would not be simply the proprietor of the "Adam and Eve" bookstore who would have to wonder whether a court would find some of his sales items "pornographic"; it would be every movie exhibitor and every owner of a major bookstore claim.

That problem is the essence of a "chilling effect" - that persons will not write, or photograph, or sell because they do not want to risk that some particularly sensitive or particularly zealous individual will decide that their product is covered by the statutory language. Creating broad individual civil causes of action, particularly ones which allow injunctions against continued distribution, will lead to "self-censorship". This can have as drastic an effect on the free flow of ideas as direct government censorship.

The Alleged Effects of Pornography

The underpinning of new efforts to control "pornography" is that recently discovered and newly articulated factors take the material outside the scope of the First Amendment. However, the new framing of the argument against pornography, combined with the varieties of empirical research data, still meet no test ever articulated by the Supreme Court which would allow the state directly or its citizens indirectly to suppress this sexually explicit material.

The so-called "findings" section of the Indianapolis ordinance and other proposals notes that "Pornography is a discriminatory _practice_ based on sex which denies women equal opportunities in society. Pornography is _central_ in creating and maintaining sex as a basis for discrimination.... The bigotry and contempt it promotes, with the acts of _aggression it fosters_, harm women's opportunities for equality of rights... "(emphasis added). Many previous witnesses have made statements suggesting agreement with this analysis. However, these conclusions are unsupported by the actual evidence available.

(1) Pornography as a "practice"

Pornography includes words and pictures. It is "speech", not an act or a practice. The parallels between certain racist activity and pornography drawn by some pornography critics are inappropriate. Racial segregation is an "act" and it can be prohibited in spite of First Amendment claims of a "right of association". However, racist speech by the American Nazi Party or the Ku Klux Klan which may, implicitly or explicitly, urge segregation cannot be barred. _Collin v. Smith_ 578 F.2d 1197 (7th Cir. 1978), _cert. denied_ 439 U.S. 916 (1978).

Even the vilest and most graphic sexist or racist speech is not transformed into action because of the intensity with which its critics detest it or the success it demonstrates in getting others to accede to its viewpoint. It is important to guarantee as a "civil right" that no person is denied a job, an education, or entry to a public facility on the basis of race or sex. This is true whether the decision to discriminate is based on listening to well-reasoned academic discourse, reading "hate literature", or watching old movies containing negative stereotypes. However, our "civil rights" laws do not, and may not, insulate individuals from the repugnant speech of others which urges the denial of such opportunities.

(2) Pornography as a central cause of sex discrimination

Another "finding" is that pornography is "central" to maintenance of women's inequality. The "centrality" of pornography as a source of inequality is not empirically supportable. Unless one works in an adult bookstore, graphic, sexually explicit "pornography" is not a major source of sensory input for many people. However, if all that critics define as "pornography" were to disappear tomorrow, and it had in fact been central to subordination, the central position would then be taken up by other images from comic books, cartoon shows, jean advertising, television situation comedies, and dozens of other sources which assault our eyes and ears on a regular basis. Precisely the same arguments that undergird the efforts to eliminate graphic sexual images showing the subordination of women would then be applicable to a variety of remaining images which cast women in a demeaning light.

It may be popular to start the process of eliminating negative views of women by proceeding against graphic sexual images, since allies in such an effort could include those persons who see the issue simply as one of "indecency". However, there is no logical reason to stop there, given the vastly greater number of persons who are exposed to the concept of "subordination" in other, "non-explicit" media. Once we accept the premise upon which this "pornography" regulation is based - the eradication of contemptuous images - there is nowhere to stop the regulatory process.

In fact, once the decision to suppress "negative" portrayals is made, it is only a short trip to mandating "positive" portrayals. As Justice Brennan noted in his dissent in Paris Adult Theatre I v. Slaton 413 U.S. 49 (1973):

> For if a state may, in an effort to maintain or create a moral tone, prescribe what its citizens cannot read or cannot see, then it would seem to follow that in pursuit of that same objective a state could decree that its citizens must read certain books or must view certain films.

The sexually explicit messages labelled "pornographic" have not been demonstrated to be central to any discriminatory practices. However, even if such evidence was present, it would not dispose of the guarantees of the First Amendment.

(3) Pornography as behavioral stimulus, not advocacy

There is also the claim that pornography is somehow different than other cultural expressions because it is not "speech". Professor Catherine MacKinnon, the co-author of several proposed anti-pornography ordinances, noted in the *amicus* brief she prepared in the Indianapolis case, that "unlike the 'literature' of other inequalities, pornography works as a behavioral conditioner, reinforcer and stimulus, not as idea or advocacy".

That assertion is simply incorrect. Sexually explicit material may communicate that the activity depicted is pleasurable and appropriate. It is often a rejection of ascetic lifestyles, rational analysis, and prudence. Women's studies professor Ann Barr Snitow notes that it promotes "the joys of passivity, of helpless abandon, of response without responsibility..." According to Village Voice writer Ellen Willis the meaning of sexually explicit material is highly individual and complex:

> Sex in this culture has been so deeply politicized that it is impossible to make clear-cut distinctions between 'authentic' sexual impulses and those conditioned by patriarchy. Between, say, Ulysses at one end and Snuff at the other, erotica/pornography conveys all sorts of mixed messages that elicit complicated and private responses.[2]

Of course, it also may communicate a more sinister message, that women do, or should, gain pleasure solely from subordination to men. Repulsive as that construct may be, it is a political philosophy which has been dominant in most civilizations since the beginning of human history. It is clearly an "idea" and much pornography serves as a tool for its advocacy.

Similarly, virtually all printed and visual material seeks not only to communicate ideas, but also to act as a "behavioral conditioner, reinforcer, and stimulus." Books and movies frequently: (1) teach people to view an issue in a certain way ("behavioral conditioner"), (2) legitimatize particular ways of thinking ("reinforcer"), or (3) urge people to act in accord with the images presented by the author ("stimulus"). The fact that pornography asserts an often repugnant world-view graphically or persuasively does not place it in a special category from other literature.

The Supreme Court recognized this in *Cohen v. California* 403 U.S. 1526 (1970), where it assessed the impact of Cohen entering the trial count wearing a jacket emblazoned with the words "Fuck the Draft".

> "[M]uch linguistic expression serves a dual communicative function: it conveys not only ideas capable of relatively precise, detached explication, but otherwise unexpressible emotions as well. In fact, words are often chosen as much for their emotive as their cognitive force. We cannot sanction the view that the Constitution, while solicitous of the cognitive content of individual speech, has little or no regard for that emotive function which, practically speaking, may often be the more important element of the overall message sought to be communicated..."

There is yet another dimension of this false "stimulus-advocacy" dichotomy. A number of commentators have criticized the new effort to regulate pornography as an effort to totally rationalize human sexuality. Historian Alice Echols has lamented the rejection by some feminists of "the notion that fantasy is the repository of our ambivalent and conflictual feelings", which she says leads to "a highly mechanistic and behavioristic analysis that conflates fantasy with reality and pornography with violence". [3] Indeed, it is as dangerous for the state, directly or indirectly, to police fantasies as to police politics.

(4) Pornography as cause of sexual violence

Finally, much has been claimed about new data purporting to demonstrate a causal connection between certain types of pornography and sexual violence against women.

Unfortunately, there is little recognition of distinctions between "causes" and "symptoms" in much of this discussion. This error is compounded by drawing unwarranted implications from the evidence.

For example, at a previous hearing several researchers reported findings that in a sample of "serial murderers", 81% noted a "high interest" in pornography and that in another sample of persons arrested for various forms of child exploitation, all had at least some "pornography" (from *Playboy* on down) in their homes. However, the presence of two phenomenon, criminal activity and pornography does not necessarily demonstrate a causal connection between them; it is at least as likely to demonstrate that persons with certain abusive personalities are attracted to both crime and use of pornography.

It is also possible to misdirect the outrage against specific instances of sexual violence. It is undeniable that there are examples of media portrayals of sexual violence whose elements are replicated almost identically by persons during the commission of a criminal act. These occurrences do not permit broad intrusions into First Amendment rights, even if it were demonstrated that *but for* the media portrayals, no crime would have occurred (something which has not been proven in any case.) Certainly, the results of psychological experiments on male college students which demonstrate only that some tend to react temporarily more aggressively under laboratory conditions after seeing "aggressive-erotic" films provides no basis for suppressing speech. [4] As Kate Ellis notes in "Pornography and the Feminist Imagination": "In all of these studies a single stimulus and response is being made to stand in for a long conditioning process."

The First Amendment may not be suspended because an image or an idea causes the most susceptible or most malleable person who hears it or sees it to behave in an anti-social manner. This was recognized by the Supreme Court in *Roth v. United States* 354 U.S. 476 (1957). An uncomfortable volume of previous testimony before this subcommittee suggests a return to this "most susceptible" standard. It is carried to its greatest extremes in some ordinance language permitting injunctions against the future distribution of a specific book or film if it can be linked to one act of violence.

An even more direct argument is that pornography is a form of "incitement" to violence against women. However, even sexually explicit material which implicitly advocates the subordination of women does not urge that viewers commit criminal activity. In the event that some piece of literature did urge criminal activity its possible suppression would be measured on the basis of well-established constitutional principles.

Supreme Court decisions on speech which allegedly incites listeners to criminal acts make it clear that mere speculative damage is insufficient to suppress speech and that only if there is a close and demonstrable causal nexus between speech and violence may speech be barred. This is the "clear and present" danger standard announced first in Schenk v. United States 249 U.S. 47 (1919) The Court has subsequently ruled that not even "advccacy" of "revenge" against public officials by Ku Klux Klan members carrying guns Brandenburg v. Ohio 395 U.S. 444 (1969), or student revolutionaries' threat to "take the fucking street later", Hess v. Indiana 414 U.S. 105 (1973), could be suppressed. A violent criminal act was not likely to be the direct and imminent result of the speech in these cases. A review of the data on "incitement" to violence against women by pornography demonstrates nothing to meet the Bradenburg standard.

What Can Be Done?

It is important to use the means of communication available to make it clear that remedies already exist for some of the conduct which has been previously described at your hearings. There has, for example, been testimony in regard to husbands forcing their spouses into sexual activity, described in "pornography", which they did not desire. That constitutes rape in most jurisdictions. The ACLU has been actively supporting elimination of "spouse" immunity in rape cases in those states where it still exists. We would not minimize the problem of getting prosecutors to charge in such cases, but that is no excuse for not empowering the public with the knowledge that such actions can be taken.

Similarly, at previous hearings, Ms. Linda Marchiano testified regarding her physical coercion into the production of the film "Deep Throat". It appears that the statute of limitations has run, precluding any criminal prosecution. Assuming the facts as she reported, however, she would seem to retain the possibility of civil actions without need for new ordinances or federal intervention. [5]

Privacy-related torts which could already cover Ms. Marchiano's situation include "public disclosure of private facts" (since there was the intimate portrayal of sexual activity), placing one in a "false light in the public eye" (since she could argue that the film gave the false impression that she was enjoying what was actually repugnant coerced activity) or "wrongful appropriation" (her unwanted activity was photographed and appropriated by the perpetrators of a crime for commercial advantage).

Damages or even injunctive relief could certainly be sought in such individual cases, but depending upon the precise facts elicited, First Amendment limitations on such actions could also arise. The ACLU is exploring whether narrow legislation covering such coerced activities would be consistent with such constitutional concerns.

Obviously, this would be costly litigation, with substantial attendant problems of proof. However, any action brought under an Indianapolis-type statute would be similarly expensive, since there could be no statutory presumption of coercion in regard to all women appearing in pornography.

In addition, in a society which has the regard for openness and tolerance found in the United States, the ultimate answer to the existence of offensive images must be the production of "affirmative" alternative images. It means the replacement of images of female subordination with images of equality and authority. The First Amendment was designed to protect the "marketplace of ideas" because of a deeply rooted belief that when ideas and images compete, (even if they begin in "unequal" status), the "true" and "accurate" have the best chance to prevail.

No one could seriously suggest that women have an equal "voice" in institutions in the United States. On the other hand, there has already been an historically unprecedented increase in the number of women's voices speaking in every academic field, from law to medicine to theology, and in every artistic endeavor. Those are the sources for the positive views of women which will help shape the future.

In addition to the creation of alternative images, it is certainly constitutionally acceptable to work to create a "negative image" for pornography: to urge that our society would be healthier without it, to critique its moral and aesthetic value, and to urge its disuse by all persons.

Conclusion

It is unfortunate when the issues raised by the Indianapolis ordinance are couched as ones of "women's rights" versus "civil liberties". It is clearly possible to protect and enhance both. There is a right to be free from sexual coercion; however, there is no similar right to be free from offensive and insulting images. There may be instances where genuine constitutional claims will clash, where, for example, the constitutional right of privacy runs squarely into the free press guarantees of the First Amendment. The ACLU would be happy to review any statutory language in these delicate areas.

ENDNOTES

[1] "Obscenity" has been defined by the Supreme Court as requiring proof of three crucial elements: (1) that it appeals to the "prurient interest" as judged by the average person applying contemporary community standards; (b) that it describes or depicts, in a patently offensive way, specific sexual conduct defined by statute; (c) that, as a whole, it lacks serious literary, artistic, political, or scientific value. The ACLU believes this standard violates the First Amendment. However, "pornography" definitions would restrict even more material since there are no "average person" or "lacking value" tests.

[2] "Feminism, Moralism, and Pornography" in Powers of Desire: The Politics of Sexuality, 3d. Ann Snitow, Christine Stansell, and Sharon Thompson (N.Y.: Monthly Review Press, 1983), p. 463.

[3] "The New Feminism of Yin and Yang" in Powers of Desire, p. 448.

[4] See, for example, Edward Donnerstein and Leonard Berkowitz, "Victim Reactions In Aggressive Erotic Films As A Factor In Violence Against Women", Journal of Personality and Social Psychology, Vol. 41, No. 4 (1981), pp. 710-724.

[5] The ACLU believes that some of these causes of actions, particularly when applied to a broad range of facts, may be inconsistent with the First Amendment.

Senator SPECTER. Mr. Lynn, you say that you think it an inappropriate standard. Would you think it true that materials depicting women and women in coercive situations would be not protected by the first amendment would cause more men, all men, and at what point the excitement to aggressive behavior, or criminal conduct would otherwise be protected and lose the first amendment protection?

Mr. LYNN. I think the first concept is twofold. What is the motive of the produce of the material? I think it is not accurate to suggest that every sexually explicit piece of literature that might come within this ordinance is intended to incite. That is important to recognize when we deal with this whole issue.

Senator SPECTER. How many does it have to incite? How would you draw a legislative standard on incite, to say it would not be properly covered by the first amendment?

Mr. LYNN. I think the only analogy from the Supreme Court is the clear and present danger test. Speech may be suppressed if there is an imminent likelihood of a criminal act. There is no data that even comes close to establishing that kind of a standard in regard to any kind of sexually explicit material.

Senator SPECTER. How about all the evidence Ms. Dworkin and Ms. MacKinnon say they have about women being brutalized by men who see these pictures of what men are doing to women in the pictures, and then they say there will be other women who will be similarly brutalized in the future? They cannot identify who those specific women will be, but they say there ought to be a legislative body with regard to these materials, where men have committed crimes against women, assault, aggravated assault, and there will be a class of women in the future, though not now, but finally, that there is a clear and present danger that criminal conduct will result.

Will that meet the test that you are stating for no first amendment protection?

Mr. LYNN. No; I think, first of all, this evidence doesn't really tell us enough. It doesn't indicate that, but for the presence of pornography, these actions would occur. There is an enormous tendency here to reduce all human behavior to simple stimuli and responses, and not to recognize that there is a vast amount of this culture which conditions men to act in abusive ways, and that some men act in particularly abusive fashion against their spouses, lovers, or others with or without pornography.

Senator Specter. But even if it is part of the culture that preexist, if this literature is a trigger factor, under criminal law, whatever the previous position may be, if a man has a bad heart and a robber scares him to death, the triggering factor is the robbery, that man is guilty of murder in the first degree.

Mr. Lynn. That may go to the question of use of some of this material in a criminal trial, but it doesn't permit a broad trafficking statute, which would permit one individual, who could show some connection between the material and some act of abuse against her, to then be able to reach beyond the criminal to the or distributors or producers of the material.

So it may be important as evidence in a civil or criminal action, but it is not a justification for suspension of the first amendment.

Senator Specter. You just don't think it meets the clear and present danger test?

Mr. Lynn. I don't even think that it is close.

Another problem is the tendency to believe, as some of your witnesses at the previous hearings suggested, that if you find that the persons who commit criminal offenses have pornography in their homes, that somehow that proves the trigger nature of the material. It does not. It may just as well establish the notion that people with certain abusive personalities are attracted to crime, pornography, drugs, and a lot of other negative things.

Senator Specter. That is a judgment call as to what triggers.

Mr. Lynn. I think it is a judgment call, but that absent evidence, the assertions of Ms. Dworkin and Ms. MacKinnon does not provide us with a legal or statutory basis for carving out another exception to the first amendment.

Senator Specter. And when Ms. Dworkin and Ms. MacKinnon say in an equal society there should not be the availability of literature which establishes male superiority over females. Man's superiority over women, then you respond that even if that is a bad idea, it is constitutionally protected. Maybe you are just saying it is constitutionally protected.

Mr. Lynn. I think it is constitutionally protected, but I think personally it is a bad idea. There is nothing offensive at all about having people attempt to eradicate what they see as a problem, or see as a repulsive idea, by urging others not to use it, to try to change people's moral and esthetic sense about it.

Senator Specter. The issue is not whether we think it is a bad idea. How about that, Ms. Dworkin?

Ms. Dworkin. I would like to say, sir, that a whole bunch of things that people do to other people express ideas, that virtually anything expresses an idea. I can express an idea, for instance, by keeping blacks out of a place that I own, except that I am not allowed that mode of expressing an idea that I may have about my superiority as a white person in that way; and that what we are talking about here are women's bodies; and women's bodies are not ideas; and that we are not being offended, we are being hurt, and that there is a whole body of clinical evidence from therapists, from people who work with sex offenders, and victims of sexual abuse that places pornography as a causal factor in the sexual abuse. It does exist, and it is compelling.

Senator SPECTER. Ms. Dworkin, if you find an idea, is someone constitutionally prohibited—assume we have the equal rights amendment in the United States, so men, women, are equal, the law provides for it.

Would it violate women's rights for some man to say that women are unequal to men?

Ms. DWORKIN. Our view is that anybody can express the idea that women are inferior. What the pornographers do is to actually subordinate women, and make us inferior, both in the creation of the material and in what it inevitably does to the users of the material.

Women live in an unequal society, where we can't fight back, because we don't have the power, we don't have the resources, and we have not been contributors to the dialog on values. I want to say that in terms of Mr. Lynn's saying that some people will not write or photograph if such a civil rights law is in place, women are silenced through sexual abuse, and if pornography is, as we believe it is, an essential factor in the execution of sexual abuse, what about our rights of free speech?

We are treated as sexually subhuman creatures in this society, and most of the books that you are talking about are created by men not because women are stupid, and not because women don't have anything to say, but because our lives are filled with dealing with rape, incest, dealing with being treated like prostitutes. What about our rights of speech?

Senator SPECTER. Would you like to have the last word, Mr. Lynn?

Mr. LYNN. I think it is unfortunate that this debate sometimes is cast as an issue of women's rights versus civil liberties. It is not. I think one can support both of those ideas, and do so vigorously.

It is not accurate, and it is not a fair analogy to say that because some people don't want to admit blacks to a particular restaurant, that that is akin to pornography. One is an act. One takes from persons an opportunity granted by law that they should have as a matter of right, and the cause of the denial is irrelevant.

The act of racial or sexual segregation is what is wrong, but here there is a missing step in this so-called civil rights approach, because it is not an act that is sought to be controlled here. It is an idea, it is advocacy, and we don't need the first amendment to protect advocacy that everyone agrees is popular and nonoffensive.

We need it to protect those images and ideas that will offend people, and will do it, frankly, in a graphic fashion.

Senator SPECTER. Would you like the very last word, Ms. MacKinnon?

Ms. MACKINNON. I would. Thank you, Senator.

There is a basic distortion of our law in Mr. Lynn's description of it. Our law allows women to take action against materials that sexually explicitly subordinate women.

Now, if someone wants to come in and say this material does not subordinate women, it merely expresses the idea of the subordination of women, and if that view is accepted, then those materials are ideas. They are not the subordination of women, and they are, therefore, not covered by our law.

In other words, the law itself defines pornography as something which does something. It defines what it is in terms of what it does. Pornography subordinates women actively.

I would like Mr. Lynn to consider, for instance, whether a sign that says "whites only" is an act or is it words? It arguably expresses the idea of segregation. It certainly is only words, but it is an act, in the sense that it functions within a system of force which is taken to violate people's equal rights. We are defining pornography in those terms.

Senator SPECTER. Thank you very much, Ms. Dworkin, Ms. MacKinnon.

The questions raised are obviously important. They are obviously complex, and I believe that you women have made a real contribution in the kind of research that you have done, and the presentation of the ordinances in Minneapolis and Indianapolis. I believe that this is a subject which is worthy of substantially more analysis and thought, and we are considering some legislative proposal which would carry this analysis further.

I do not believe that we have explored it sufficiently, at least from my thinking, to take a position on it, but it may be useful to put a bill in the legislative council which will have a number, and stimulate some more analysis, so we can take this matter up again before the Congress, which will be working toward that end.

Thank you all very much. The hearing is adjourned.

[Whereupon, at 11:50 a.m., the subcommittee was adjourned.]

EFFECTS OF PORNOGRAPHY ON WOMEN AND CHILDREN

THURSDAY, OCTOBER 18, 1984

U.S. Senate,
Subcommittee on Juvenile Justice,
Committee on the Judiciary,
Pittsburgh, PA.

The subcommittee met, pursuant to notice, in the Federal Courthouse, commencing at 9 a.m., Hon. Arlen Specter (chairman of the subcommittee) presiding.

Staff present: Bruce King, counsel.

OPENING STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA, CHAIRMAN, SUBCOMMITTEE ON JUVENILE JUSTICE

Senator Specter. We will begin this hearing of the Juvenile Justice Subcommittee of the Committee on the Judiciary.

We have delayed our proceedings temporarily in the interest of the substantial number of viewers on channels 2, 4, and 11. Not necessarily in that order, but what goes on in this room is obviously viewed by a very limited number of people, whereas from the messages carried through the news media there will be hundreds of thousands, perhaps in excess of a million that take part. So we regret the slight delay.

On the substance, this hearing is a continuation of a very extensive series of hearings which we have held in Washington by the Juvenile Justice Subcommittee on the question of pornography.

We have found the question of pornography a very serious one in the Nation, especially as it relates to children.

I proposed legislation which was signed into law by the President in April of this year to tighten up the laws on the commercial purpose and increase the penalties as applied to children.

My wife, Joan Specter, who is a councilwoman in the city of Philadelphia, had a complaint about a book being sold in Philadelphia entitled, "How to Have Sex with Children," an amazing book on how to have sex with children. Something really unheard of, but how to meet children, how to entice them, how to have a sexual relationship with them, and as a result of that publication and seeing it the publisher is now under indictment in Austin, TX. I am pleased to be able to report that to you ladies and gentlemen.

This hearing is a continuation trying to bring the theme to Pittsburgh concerning what we have seen in our hearings in Washington and taking a somewhat broader view as to the injury to women as a class.

Indianapolis has enacted an ordinance which provides that woman have a cause of action against the publishers of obsenity where they are injured as a result of those publications. We have had testimony in Washington, DC, which has been very forceful on the subject.

As we sit here today there will be many many women across the United States injured as a result of pornographic material which you can't identify who they will be, but there will be injuries to women and that women as a class are degraded by these obscene materials.

Now, when you take a look at them, and Michael Magee of my staff will provide some testimony, I think you will be really surprised at the kind of materials which are available.

I began my public service as an assistant district attorney 25 years ago in 1959 and I can tell you first hand that the kinds of magazines which were on the stand then as opposed to now are just enormously different, and my own judgment is that there has been a proliferation and expansion of child molestation as a result of such obscene materials.

When I was district attorney of Philadelphia I couldn't prove everything that went on in town, but I had a pretty good idea what it was, and I believe that the level of information about child molestation is on the increase. We now know more about it, but I believe there is more of it than there had been in the past.

I would like to call at this time our first witness, Mr. Michael Magee.

Michael, will you begin by stating your full name?

STATEMENT OF MICHAEL MAGEE, STAFF ASSISTANT TO SENATOR ARLEN SPECTER

Mr. MAGEE. My name is Michael Magee, staff assistant to Senator Arlen Specter.

Senator SPECTER. Mr. Magee, in the course of your work with me did you have occasion to accompany me on a tour of certain book stores on Liberty Avenue in the city of Pittsburgh?

Mr. MAGEE. Yes; I have.

Senator SPECTER. And on what date was that?

Mr. MAGEE. That was Tuesday morning, October 9.

Senator SPECTER. And what did you observe with me in a general way on that day?

Mr. MAGEE. I observed two news stands that were selling pornographic materials on Liberty Avenue.

Senator SPECTER. Pursuant to my instructions did you go back to that strip to see some more materials?

Mr. MAGEE. Yes; I did. I returned Monday morning of the following week and visited four pornography stores on Liberty Avenue.

Senator **Specter**. And did you make purchases on those occasions?

Mr. **Magee**. Yes; I did.

Senator **Specter**. How much did you pay for the most expensive magazine which you bought?

Mr. **Magee**. I believe it was $7.

Senator **Specter**. And what did you find in that magazine?

Mr. **Magee**. I found a magazine entitled "Young Sex." The words in the article implied that the people involved, although it states they are older than 18, could possibly be juveniles.

Senator **Specter**. Now, as delicate as this may be, what does that magazine show, what does it depict?

Mr. **Magee**. It shows obviously a young female and male performing various sexual acts.

Senator **Specter**. Such as?

Mr. **Magee**. Oral sex, and sex, and various positions of intercourse.

Senator **Specter**. And how many pictures roughly appear in that magazine?

Mr. **Magee**. I would say there are full-sized pictures on every page; I'd say about 20 pictures, at least 20 pictures.

Senator **Specter**. These publications will be available for anybody attending this public hearing to see and to observe and to make whatever use of it you like.

We're not going to display them because they will be available for whatever the media might think is appropriate.

And where else did you go on that day to take a look at the publications?

Mr. **Magee**. I visited another bookstore which had a magazine which was hand drawn, but which depicated very violent acts toward women.

Senator **Specter**. I think you could hold that up without offending anybody's sensibilities. And what kinds of acts does that depict?

Mr. **Magee**. On the cover there is a picture of an executioner with an executioner's hood grinding his axe. There are various pictures of women being hung in very grotesque manners inside. Women being——

Senator **Specter**. When you say women being hung, what do you mean by that?

Mr. **Magee**. There is a noose around their neck and being hung with blood coming out of their mouths. There is almost a skeletal condition by this.

Senator **Specter**. And how much does that publication cost?

Mr. **Magee**. This publication was $3.

Senator **Specter**. What other magazine, if any, did you purchase on that occasion?

Mr. **Magee**. I purchased a third magazine, and it's entitled "Peach Fuzz Pussies." It states on the bottom that all models are 18 years of age or older and that proof is on file.

The women depicted are very youthful looking, and are depicted with baby dolls, childlike toys, and dressed as young children would be dressed.

Senator **Specter**. Does that have the appearance of models who are underage?

Mr. **Magee**. Yes; it does.

Senator **Specter**. All right, thank you very much Mr. Magee. That's a bird's-eye view.

Let's turn now to the stand Ann Sadler who is the legal advocate at Pittsburgh Action Against Rape, a group which represents child-adult victims of sexual assault.

We welcome you and thank you for joining us today. We appreciate your being here.

Would you give us a thumbnail description of your own background, your education, your professional standing before proceeding with your testimony?

STATEMENT OF ANN SADLER, LEGAL ADVOCATE AT PITTSBURGH ACTION AGAINST RAPE

Ms. **Sadler**. I worked as a legal advocate at Pittsburgh Action Against Rape for the past 5 years.

Senator **Specter**. You are an attorney?

Ms. **Sadler**. No; I am not an attorney. I am a legal advocate. And I have gone to court with hundreds of children and woman who have been victims of sexual assault.

Previsous to that I worked at Parents Anonymous with children and families with physically abusive situations.

I received my M.A. degree from Northwestern University in 1971.

Senator **Specter**. What is your bachelor's in?

Ms. **Sadler**. My bachelor's is in liberal arts.

Senator **Specter**. Liberal arts?

Ms. **Sadler**. Yes.

Senator **Specter**. How long did you work for Parents Anonymous?

Ms. **Sadler**. Two years?

Senator **Specter**. Two Years?

Ms. **Sadler**. Yes.

Senator **Specter**. During what period of time?

Ms. **Sadler**. That was from 1978 to 1980.

Senator **Specter**. And now long have you worked in your current position?

Ms. **Sadler**. Five years; going on five years.

Senator **Specter**. You say during the course of this work you had occassion to counsel many victims of sexual abuse and sexual assault?

Ms. **Sadler**. Yes; I have.

Senator **Specter**. Could you describe in a general way what kind of counseling you have given to children who have been victims of sexual abuse?

Ms. **Sadler**. Yes; basically the counseling that I provide is crisis kinds of counseling, counseling that informs the children, informs the parents about what kinds of things they can expect when they go into a court of law.

I work with the child on testimony, work very closely with the district attorney's office, and also the police to help that child give testimony that's going to hold up in court and also have her be seen as a credible witness.

Senator Specter. What kinds of cases have you seen involving child abuse, child sexual abuse?

Ms. Sadler. We have seen—most of the cases we see are cases of incest, and a great number of cases of acquaintance rape situations.

Senator Specter. When you say acquaintance rape, what do you mean by that?

Ms. Sadler. Usually the child has been sexually assaulted by someone that she knows or he knows and trusts; a family member, a neighbor, counselor, an uncle, a step-father. That's the most often kind of child sexual assault we do see.

Sometimes we see stranger rape occurring, but it's not nearly as prevalent.

Senator Specter. How prevalent is sexual abuse of children in this area, in your opinion?

Ms. Sadler. We estimate that 1 in 3 girls and about 1 in 11 boys will be sexually assaulated at some point during their lives; at some point before they are 18 years old.

Senator Specter. That's a very high statistic?

Ms. Sadler. Yes; it is.

Senator Specter. That is 1 in 3 young girls?

Ms. Sadler. Yes.

Senator Specter. To be sexually assaulted. What is your basis for that estimate?

Ms. Sadler. Well, when we say sexually assaulted we don't necessarily mean intercourse. We are talking about also fondling, inappropriate harassment and touching that's inappropriate.

Senator Specter. How many of those cases are actually reported?

Ms. Sadler. A very small number. We think and, of course, there is no way of knowing exactly how many are not reported, but we estimate that approximately 20 percent of the cases are reported.

Senator Specter. Do you think child molestation is on the increase?

Ms. Sadler. Yes; I do, definitely.

Senator Specter. Why do you feel that child molestation is on the increase?

Ms. Sadler. I feel that the laws are inadequate. I feel that pornography is a real large reason that violent pornography and/or chicken pornography as it's called has increased.

People do perpetrate these crimes against children, I think the law is not adequate insofar as right now incest is still considered to be a misdemeanor, while child sexual assault of a stranger is considered to be a felony.

So what that does say to a great many people is that if you are going to rape a child rape your own child.

I also have a brief statement I would like to read.

Senator Specter. Please do.

Ms. Sadler. Pornography has existed in other times in other cultures but never has it been readily available and so violent in content and affect.

At Pittsburgh Action Against Rape we are feminists who have fought for equal rights, civil liberties and social change.

We feel that pornography is a social ill that must be eradicated as rape must be eradicated.

We do not believe that pornography is harmless entertainment but that it contributes greatly to the climate of violence around us.

On December 30, 1983, the Minneapolis City Council voted to include pornography as a form of direct sex discrimination in the Minneapolis Civil Rights Code.

The amendments to the code said that pornography, as defined in the ordinance, is a form of discrimination on the basis of sex.

Pornography is also defined as the sexually explicit subordination of women, graphically depicted, whether in pictures or in words, which also meets one of nine conditions, which include: showing women enjoying pain, humilitation or rape, or picturing them or bits of them as dehumanized sex objects or depicting degradation, torture or sexual injury.

Mayor Donald Frazer vetoed the bill but the city council set up a committee to look at different ways of regulating pornography.

The amendment defining pornography as an infringement of women's civil rights is being reintroduced, but is now in limbo.

Also in Indianapolis a civil ordinance has been passed that would ban sexually explicit violent pornography. The ordinance was passed with the idea of finding a case in which the ordinance would be tested.

The Minneapolis and Indianapolis ordinances state basically that pornography is a violation of the civil rights of women.

If pornography was contributory toward a violent act such as rape perpetrated upon a woman, then she would be able to bring a civil suit against a pornography distributor through the civil rights act.

What these ordinances would do hopefully, would be to take anti-pornography enforcement away from the vice squad and give women, the true victims of pornography, the right to bring those who profit from pornography through the legal system.

The battle which will be waged, would be a battle of possible violation of a book seller's first amendment rights versus the violation of a women's civil rights.

Either way, the ordinances are a very historic departure in looking at the relationship between pornography and violence.

The authors of the ordinance feel that making pornography a violation of a woman's civil rights might be a move toward eliminating pornography rather than pushing it farther underground.

We believe that pornography, as it relates to sexual violence, has been underground too long. Cities in Pennsylvania would do well to author such ordinances and to rid society of pornography, the central practice of which is the subordination of women as it occurs and is reproduced and is carried out in our culture.

Pornography is central to the second class status of women. Pornography is a practice as rape is a practice.

Pornography is not just fantasies or ideas. The link between attitudes and behavior is not complicated here.

Pornography makes inequality sexy. It makes it sex. Everytime men become aroused by the depiction of this subordination of women, their body learns that this is sex. This is real woman.

They don't stop with pictures. There is a saturation point at which the pornography must become more and more violent to cause arousal.

These are the same people who hire, fire, promote, and sexually harass us, make our work valueless, make prostitution our best economic alternative, violate our children and rape us at will.

I have been a legal advocate at Pittsburgh Action Against Rape for the past 5 years. In that time I have gone to court with hundreds of women and children who have been victims of sexual assault, many of whom have testified that their rapists had shown them pornography, or had been known to be regular consumers of violent pornography.

There have been numerous studies that show that pornography does lead to great harm to women. Ed Donnerstone's experiments on normal men show radical desensitization to the degradation of women, increases in perception of woman's worthlessness, trivialization and objectification of women, and an inability to perceive rape as anything but sex as a result of viewing five standard pornographic films in 5 days.

There was also an increased willingness to agress against women. People think that if they can shoot holes in such studies that link pornography with rape they can shoot down the statute.

But this statute is about discrimination. It is supported by the testimony of real woman and real children.

I recently went to court with a 6-year-old little girl who told a crowded courtroom how daddy used to show her pictures from magazines of children and adults engaging in various kinds of sex and then would have her choose from the pictures which kind of secret play she wanted to act out that night.

I am reminded of the woman's husband who beat her until she would engage in sex with his friends while he took photographs that he would then sell for profit.

A child is sexually abused every 2 minutes in the United States. Studies reveal that 1 in 5 girls and 1 in 11 boys are sexually assaulted before the age of 18.

In Pennsylvania there were 2,856 cases of child sexual abuse reported to Children's Youth Services in 1983.

The problem is really of unknown dimensions since experts speculate that only 20 percent of actual cases are ever reported. The same is true of the sexual assault of women.

In the United States pornography is a $7 billion a year industry. An industry that tops both the movie and record industries together in profit.

Hardcore adult book stores now outnumber McDonald's outlets in the United States.

Pornography is not erotic. We believe that while erotica must be sexually explicit, that it conveys equality, free choice and mutual respect.

Pornography is not about equality but rather about the objectification of women. There exists in pornography lies that all woman are willing victims and that all men are brutal agressors.

This leads the rapist to believe their victims want to be raped. Pornography teaches that women enjoy being passive objects and sexual play things and even victims of rape, bondage and mutilations.

Until these landmark ordinances in Minneapolis and Indianapolis were introduced, antipornography legislation ignored the women's point of view.

It may be that the elimination of pornography would not totally eliminate rape, but it certainly would be a step in the right direction.

By defining pornography as a sex discrimination action, it puts the power to act in the hands of women.

The law could make it possible for women to hold accountable those who profit from our and our children's subordination as well as those who inflict it on us.

This could be extremely empowering in its process. It would give women a legimate way to resist.

Senator SPECTER. Thank you very much, Ms. Sadler. What about the issue of first amendment protections of freedom of speech and expression? Wouldn't the kind of ordinance that they have in Indianapolis run a risk or a chilling effect on first amendment rights?

Ms. SADLER. I think it would be. I think there would be a battle about that, but I also feel that we have to look at the civil rights of women, too.

Senator SPECTER. Well, can't we have a statute, or can we have legislation that is going to run afoul to the first amendment freedom of speech?

Ms. SADLER. I don't know if we can.

Senator SPECTER. So, notwithstanding the kind of evil you see in these publications, you recognize the problem which exists with respect to the first amendment issue?

Ms. SADLER. Absolutely.

Senator SPECTER. Ms. Salder, what evidence do you have, or have you seen any specific cases where pornographic literature triggered directly or indirectly a sexual assault against a child or woman?

Ms. SADLER. The two cases that I mentioned plus other cases, but specifically one case that I recently went to court with where a 6-year-old child got on the stand and told the courtroom how daddy would show her explicit sexual photographs from magazines of women and children engaging in sexual acitivity.

Senator SPECTER. How old was she?

Ms. SADLER. Six.

Senator SPECTER. Six years old?

Ms. SADLER. Six years old.

Senator SPECTER. And her father would show her——

Ms. SADLER. Would show her pornographic magazines.

Senator SPECTER. Not a stepfather but natural father?

Ms. SADLER. It was her natural father.

Senator SPECTER. Was there a criminal prosecution in that case?

Ms. SADLER. Yes: there was a criminal prosecution.

Senator SPECTER. What was the result?

Ms. SADLER. He was placed on 4 years probation.

Senator SPECTER. And what was the other case specifically?

Ms. SADLER. The other case specifically was a woman who had been married to a man for a number of years, was in a physically abusive relationship for a great many of those years.

Toward the end of their relationship he started forcing her—he would beat her and force her to engage in sexual acts with men that he would bring home, and while she was engaging in those sexual acts he would take photographs and he would distribute them for profit.

Senator SPECTER. All right. Thank you very much, Ms. Salder, for your very very forceful testimony.

Ms. SADLER. Thank you.

Senator SPECTER. I would like to call Mr. Bill Smith and Mr. John Ferguson.

There has been a request by Mr. Smith and Mr. Ferguson not to be photographed from the front.

We relay those requests when we have an open and public hearing. It is a matter for the exercise of discretion of the media as to how you handle that, and as a matter of choice, the witnesses who are testifying, but to the extent that the media can accommodate those requests we would be grateful, but I emphasis it is a matter for media response as opposed to any requirement.

We too are concerned with first amendment rights as we proceed with these hearings.

These are not the real names of the young men who are here.

Let's start with you, Mr. Ferguson. Would you tell us your current situation? My understanding is you are currently under treatment of a program known as Together We Can?

STATEMENT OF JOHN FERGUSON

Mr. FERGUSON. Yes.

Senator SPECTER. What kind of a program is Together We Can?

Mr. FERGUSON. Together We Can is a treatment program for offenders and victims of sexual abuse and their families.

It centers on the offender specifically, and it differs from a lot of mental health agencies where they operate under a lot of varied circumstances.

Senator SPECTER. Mr. Ferguson, how did you happen to get to the program Together We Can?

Mr. FERGUSON. I was arrested about 1 year ago for sitting in a parked car and handing out dirty magazines to young kids walking by on the sidewalk.

Senator SPECTER. And what was the charge?

Mr. FERGUSON. Well, my charges are being held in abeyance if I did agree to seek treatment, and I have done that.

Senator SPECTER. Is that the only time you have ever been arrested?

Mr. FERGUSON. That's the only time I have been caught.

Senator SPECTER. Ever been caught?

Mr. FERGUSON. When the offender does things like this it's very very seldom he gets caught.

Senator SPECTER. Mr. Ferguson and Mr. Smith, you know you are appearing here voluntarily?

Mr. FERGUSON. Yes.

Senator SPECTER. And we were not seeking to have you make any statements that would be incriminating, and you don't have to testify, and anything you say conceivably could be used against you. That's not the purpose of this proceeding, but I want to give you that admonition.

You know any place you go you have a right to counsel, not that you need it here, but I just want to say that to you so you are aware that we are concerned about your rights.

Mr. Ferguson, what kind of literature were you handing out to children?

Mr. **Ferguson**. This particular case it was a Playboy magazine, but I also had some hardcore pornographic magazines in the car with the ones I had with Playboy.

Senator **Specter**. Have you ever handed out hardcore pornographic magazines to children?

Mr. **Ferguson**. I did hand them out just the one time, but there were several other instances where I had them in my apartment and I had some kids in there and I let them look through them.

And one time there was some young children in my apartment and I had a video cassette on the TV, a hardcore porno cassette, which I allowed them to look at.

Senator **Specter**. Why did you make this kind of hardcore material available to children?

Mr. **Ferguson**. Something about what I related to fantasies. I didn't feel good about myself as a person and relating to women and the only way that I could find to get any gratification or feel good about myself was to victimize someone weaker than me, younger than me, less knowledgeable than me and that way I could feel better about myself.

Senator **Specter**. Don't answer this if you don't want, but did you ever molest a child sexually?

Mr. **Ferguson**. I fondled a few times but I never had sex, actually with a child.

Senator **Specter**. On how many occasions did you fondle a child?

Mr. **Ferguson**. I would say four or five different occasions.

Senator **Specter**. How old were the children?

Mr. **Ferguson**. They were young girls probably between the ages of 11 and 13, I would say.

Senator **Specter**. Just young girls, not young boys?

Mr. **Ferguson**. Just young girls.

Senator **Specter**. And do you think that this pornographic material is an inducement or triggering factor causing someone like you to engage in these kinds of acts of abusing children?

Mr. **Ferguson**. There is no doubt in my mind that this is a contributing factor and it gives you ideas. I think the very sale of pornographic materials—the paperback novels are as bad as the magazines because it works on the mind and the imagination where everything happens, and I think having these kinds of magazines available on the bookshelf in the stores and air-conditioned stores, the pornographers by doing this OK these acts in the eyes of the people that read them and make it acceptable.

Senator **Specter**. Do you think these books and magazines are a triggering factor in sexual abuse of women as well as children?

Mr. **Ferguson**. Very, very much.

Senator **Specter**. As well as children?

Mr. **Ferguson**. Very, very much.

Senator **Specter**. And why do you think that?

Mr. **Ferguson**. Like I said, it gets your mind stimulated, gets your head going, your body going, get your fantasies going, and before you do these acts you have to think about them the way the process works and this gets your mind going.

[The prepared statement of John Ferguson follows:]

PREPARED STATEMENT OF JOHN FERGUSON

PORNOGRAPHY and IT'S RELATIONSHIP TO CHILD MOLESTATION

Note: The term "he" in this paper also refers to women, who also abuse children.

These are views I have developed as a long term, heavy user of pornography, and it's connection to my being a child molester. Much of what I've learned about this subject has come from my participation in Together We Can of Pittsburgh, Inc., which has done more to help me and people with problems like mine than anything I have come across in my experiences. I am forever indebted to Caroline Russell and the staff at Together We Can, and without their help this paper would never have been written. This paper is dedicated to them. These views and opinions are mine, but I have found them to be true, both through self experience, and from what I've learned from working with other sex offenders.

A BRIEF HISTORY:

As a child beginning 1st grade, I was very quiet and shy. I kept to myself alot. I think much of this came from my parents. I felt that I wasn't as good as the other kids; playing baseball, football, things that kids do. These feelings were reinforced by my father, who was often critical, short tempered, impatient, and away much of the time because he had a job that worked evenings. I didn't feel like I fit in with the other kids. I was called a sissy, made fun of, and picked on in grade school by kids who, I guess, needed to demonstrate their toughness.I felt pretty inferior to them, and to keep from feeling this so intensely, I avoided them. My world began to center around myself. I locked myself away inside myself, not knowing that I was also locking inside me all the feelings I was trying to get away from.A life that is just centered around me is a lonley life. What I was learning would be carried to my adult life, where hiding what I was feeling would become the base from which I would develope into a sex offender.

About the age of 9 or 10, I began getting interested in girls; staring up their dresses - watching them get in and out of cars-the age of the mini skirt was in fashon. I discovered masturbation a short time later. Although I didn't know what it was, I knew it felt good, and I seemed to relate it to staring at women's legs. One day, while rubbing myself against a railing while staring inside cars that were driving home from work with women in short skirts, I noticed that my zipper had become partially opened. I was afraid (I knew that I had been doing something wrong) ; and yet, I was strangely, incredably excited at the same time. I had discovered **flashing**, and I went on to do it in grade school, Jr. high, and high school. All during this time my self esteem deteriorated, and I withdrew more and more into myself. I could never relate to girls. I liked them, but I felt so bad about myself that I could never relate to them on an equal basis. Other kids recognized this, and called me 'queer', 'faggot', and after a while , I guess I accepted that this was the way my life was going to go. I saw the other guys go on and have girlfriends, go to parties, life was fun- but these were things I would never have: unless I found alternatives for them even if they were bad, twisted,shameful,it was something, and I didn't feel I'd ever have anything. There is no way I could ever describe how miserable and hopeless every day of my life was. At age 17, when the other kids were getting ready to graduate and get their lives going, I stood atop a bridge, planning to end mine. My whole life centered around masturbation, flashing, and sneaking and peeking at girls at any opoertunity I could. I hated my life, myself, but couldn't stop from being the way I was. As bad as I felt,though, I couldn't end it all from jumping off that bridge. I made a confession on a tape recorder and played it for my parents, who were stupified. I was on the verge of nervous breakdown, If I wasn't already there, and I was put in a psychiatric ward for evaluation and to try to get my nerves calmed down. I started what was to be the beginning of ten years of psychotherapy.

Up until this time, my experience with pornography had consisted of looking at Sear's catalogs, at the ladie's underwear section, and a few nude pictures of women in some magazines that some of the kids had hid in the woods.

At age 18, I got a job working in a hospital (the same place I was taken to after the bridge incident, so I felt proud that I had what it took , as far as guts were concerned, and felt like I had achieved a moral victory as far as making a comeback) ; and one day in our little office, one of the guys brought in 3 or 4 hard core porno magazines that aroused me so intensely that I could barely control myself. Never in my life had I ever seen or heard of anything like this. Sex...oral sex...everything...close up and in color. I fed on these magazines like a man possessed. Never in my life had I ever been aroused like this. A short time later, I found out about actual movies. I was evolving into a new world that my life would center around; a world based on lonliness and fantasy. I would use pornography to fill the emptiness and lonliness It would become a sorce of stimulation as well as a sorce of 'education' , and a tremendous sorce to feed my imagination and fantasy life, which is where I hid away from the world, and myself. I remember the first time I went into a porno theater. It was more a dirty, seedy, smelly slum, than a theater. People were constantly coming and going. Some were well dressed, some were shabbily dressed....most of them were alone, ...like me. I was afraid to be there. My initiation to the porno movie was viewing 'Deep Throat'. After the first 10 minutes, I was shocked and disgusted enough to walk out; my head lowered as I came out the door into the crowd on the sidewalk. But I kept thinking about what I'd seen, and I went back 2 or 3 days later, only to walk out again, this time after 20 minutes. Eventually I stayed for the entire movie. After 'getting used' to pornography the shock value lessens- you get 'used' to it. This applies to all forms of perversion that are found in the pornographic movie house and book store. The offenses we commit are there - whether in printed word fashion, or in living color. We can read about other people acting out things we've only thought about or fantasized about, and somehow it becomes more acceptable. It can, in a way, be a way for the offender to justify what he does...'it's in the book...other's do it.'

Thirteen more years went by. I 'progressed' into go-go bars, burlesque houses, and alcohol. By this time, I had gone through probably $15,000 worth of pornography; buying it, later burning it because I knew it was destroying me, turning me into a monster, only to resist it for awhile and give in and buy more-alot more.... I wanted- had to- have it back. And I couldn't get enough of it. No matter how much pornography I had, I never had enough. Porno was a number one priority in my life- the only thing that made an otherwise miserable life bearable. The therapy I had received was done by people who didn't understand the complexity and obsessiveness of what I was doing, and why I couldn't seem to stop. I went to church ministers, changed my religion...anything to try and change my life around. Nowhere could I find anyone who understood enough to have the right answers. One of the officials of a church I visited was convinced I was possessed by demons, and thought that I should consider an exorcism. Eventually, I gave up on the counseling and religion. I felt I was so evil even God didn't want to help me.

Somewhere down the line, in my early twenties, while browsing through the porno novels, I came across a book about a gradeschool teacher seducing and having sex with one of her students; probably between the ages of 10 to 13. I didn't think people were allowed to sell books like that. It viewed the child as going out of his mind with pleasure as his sexy teacher did everything to him. I fantasized that I was that child, and that the teacher was doing that to me. The thought came to me that if some young boys were to find books like these, it would drive them out of their minds with lust. It was driving me crazy, so I imagined the effects it would have on a kid, just beginning to becoming interested in girls. Strangely, (not really so strangely, because I picked the idea up in the book) the thought of this taking place and actually happening held a delicious eroticism ; an irresistable anticipation that I eventually acted upon. I wondered what it would be like if some kids accidently did stumble upon some 'good stuff'.

I was still heavily into flashing and getting drunk at go-go bars, but now I had 'branched out', or escalated, as I've learned to call it. I've never reached the point of having sex with children, but I had gotten to the point of 'accidently' bumping into some young girls, feeling their breasts, making it look accidental. I was developing patterns, and the longer it kept on, the bolder I became. Maybe I wasn't yet to the point of having sex with a child, but I had my books and I could **imagine it**.In the process of our methods of operation, thoughts precede actions. What my mind can conceive, my body can act out. Had I not been stopped, (arrested), there's no telling how far I'd ever go. I had parked my car in an area which I had scouted (targeted) for young kids to be playing. I had it all **planned** that they would be walking by my car, and I would just **happen** to be looking at a magazine, knowing all along that they would look into the car and see what I was reading. I **anticipated** their reactions, and had even handed them one of the magazines, **imagining** what they'd do with it. I had escalated and had now been frequently doing things that contained great risk of getting caught. I had been doing things alot more on impulse. At this stage, getting arrested was just a matter of time.

When you read enough pornography, over a period of time, it gets ingrained. What was once disgusting becomes arousing. There have been many times that I've cursed the day i first saw those 3 or 4 porno magazines. I was already a sex offender, because I'd been flashing, but there's no doubt what a tremendous impact pornography had on me. Today, it is the single most difficult part of my lifestyle to change. Even today, I'm in the midst of a great inner struggle; one part of me knowing what pornography has done to me, and the other part craving the feelings pornography aroused in me.Pornography has had a tremendous impact on the offenses I've committed.

The point I would like to stress is that when I started going to the movie houses (the hard core porno movie houses), there were only a few of them, and they were frequented by mostly the so called 'low-life'; the sicko's, people who hung out on street corners and asked you for money when you walked by....the drunks, addicts, dirty old men. Today, videocassettes are everywhere. Drive-in theaters show-hard core porno movies are commonplace. Porno's **availability** has, in my opinion, has increased by a factor of 10. Half of the people renting out hard core pornography on videocassette today are women. Porno today is high class, sophisticated, and much more accepted than even 5 years ago. I have no doubt that kids today now have the oppertunity to view pornography, at home, on videocassette, when mom and dad aren't home.In our society, I don't believe the 'straight' pornography (between adult men and women) can be stopped. Too many people want it- people who vote. I, myself, have never come across actual films of child pornography, but they're available if you've got the money and the right connections.

While I haven't seen child pornography films for sale, fictionalized child pornography novels, as well as novels about people abusing animals are commonplace, and just about in every store that I'd gone in (porno bookstores). In my opinion, although these are fictionalized novels without any actual pictures, they're just as dangerous and damaging, because they get the mind's imagination going, and the body always follows what the mind tells it it likes. The mind is where it all happens, not in the penis, as some castration advocates suggest, and the body cannot react to pornography without the mind receiving it first.

ADDITIONAL THOUGHTS AND OPINIONS

1. Child pornography is not realistic. It does not show the damage and trauma done to the child. The child is seduced and is manipulated, but is shown as enjoying and immeadiately accepting what is being **imposed** on him. The adult is in charge compleately. The child is not responsible...it is not an interaction...it is a one sided victimization.

2. Pornography gets the reader's mind and body going at a fever pitch. And the mind is where it all begins.

3. In my case, I've always had an extremely bad self image. In my mind, I never measured up. With pornography, there was no risk of rejection, no responsibilities.....my sex life was lived on the movie screen...in paperback novels...in magazines...and in my fantasies.

4. Child pornography novels show child molesting not as molesting, but as sweet, delicious, and arousing sexual activity.

5. Pornography is a **tool** that an adult can use to get a child's curiousity and attention. The adult then becomes a sorce into a world the child knows little or nothing about.The adult uses this to get what he wants.

6. I **imagined** that showing pornography to a child was sexually arousing him, and I was the sorce, I was able to **make** him feel this way. In a world where I felt inferior, having control over kids made me feel that I could be in control.

7. There is no doubt in my mind that child pornography, and pornography in general plays a **huge** role in the adult molesting a child. The adult may view a hard core porno movie between two adults, and **fantasize** himself doing that to a child, or a child doing that to him.

8. By putting it in book form and selling it in stores, pornographers **ok** what they print (in the child molester's eyes).

Senator SPECTER. Mr. Bill Smith. Let's turn to you. You also are in the program Together We Can?

STATEMENT OF BILL SMITH

Mr. SMITH. Yes; I am.

Senator SPECTER. And how did you happen to get to that program?

Mr. SMITH. I have been in the program approximately 2 years. I was picked up on flashing charges.

Senator SPECTER. Picked up on what kind of charges?

Mr. SMITH. Flashing charges.

Senator SPECTER. Flashing

Mr. SMITH. Yes; and that's how——

Senator SPECTER. Do you want to describe flashing for the record?

Mr. SMITH. It's indecent exposure to teenagers and young children.

Senator SPECTER. Have you been arrested on any charge?

Mr. SMITH. Yes; I have been arrested in the past on two accounts

Senator SPECTER. Have you been convicted?

Mr. SMITH. Probation both times.

Senator SPECTER. Two convictions and probation?

Mr. SMITH. Yes.

Senator SPECTER. And you understand, Mr. Smith, as I said to Mr. Ferguson, you are not obligated to be here and you can walk out any time?

Mr. SMITH. Yes.

Senator SPECTER. Get yourself a lawyer and you are here strictly on a voluntary basis, and while we are not seeking evidence it could be used against you and that's always a possibility. Whenever anyone says anything that's an admission or a confession that could be used against you. Do you understand all that?

Mr. SMITH. Yes; I understand that.

Senator SPECTER. You are willing to be here like Mr. Ferguson said he was?

Mr. SMITH. Yes; I am.

Senator SPECTER. What is your feeling about the effect of these so-called obscene magazines? Do you believe, based on your own experience, they have anything to do with acting out specific conduct?

Mr. SMITH. I see pornography itself as a catalyst to fantasies for the sex offender and gets them fantasizing about obscene things, and they use the pornography to go out and commit sex offenses.

Senator SPECTER. Do you think it is a triggering factor?

Mr. SMITH. It definitely is.

Senator SPECTER. With children?

Mr. SMITH. Yes.

Senator SPECTER. Do you have any specific cases in mind?

Mr. SMITH. I have never sexually molested a child, but I have once fondled a child at a public pool which was a direct result of reading a magazine.

Senator SPECTER. Tell me the specifics of that situation where you read a magazine and then you say you fondled a child?

Mr. SMITH. I have been pretty heavy into pornography all my life and I would read the magazine and it would give you a fantasy in your head where you would believe that you could carry out that fantasy.

Senator SPECTER. Did you see a magazine where an adult like yourself was fondling a child like a child you fondled?

Mr. SMITH. This wasn't sort of like pictures but it was just reading material.

Senator SPECTER. Gentlemen, what is your view of the first amendment rights? I know you are not lawyers or judges or experts, but how do you feel about laws which would restrict the availability of materials which might be in contravention of the first amendment freedoms of expression?

Mr. Smith, what do you think about that?

Mr. SMITH. Pornography I think it has to go. There is too much of it.

Senator SPECTER. Do you think it complicates your life?

Mr. SMITH. It complicates our lives because the type of person I am I became obsessed where I was seeing drive-ins two times a week, x-rated movies and having pornographic literature sent to the house.

So it definitely complicates our lives and causes a lot of problems. It's something we have to avoid completely.

Senator SPECTER. Mr. Ferguson, what do you think about the first amendment issue?

Mr. FERGUSON. I don't really know how it could be done because so many people are reading and buying the pornography. I think—you know, like—people that vote, people in the Senate and the Congress, you know, everybody is into it so much any more. I read an article the other day——

Senator SPECTER. How about the Senate? Why do you say that?

Mr. FERGUSON. I am kind of separating that off. What I am trying to say, you know, the people that vote. I don't know how to put this so it will sound right.

But people want it, people want it around, and like the video cassette sales today I read an article the other week that half the people today are buying and renting the hardcore video cassettes are women and that amazed me.

And when I started out about 10 years ago buying these things the only place I could was on Liberty Avenue where, like, we might say the low life hang.

And now they're in the drive-in theaters all over the area. They are available in all these stores everywhere, and all the businessmen are buying them, secretaries, housewives, and I see the affects of pornography the way it affects child molestations increasing by a factor of 10 because it's so available and the pornography is, like you said, so much more intense.

Senator SPECTER. Do you think that pornography has increased the amount of child molestation in our society?

Mr. FERGUSON. I think it heavily contributes to it. Not all child molestors will use pornography, but those cases where they do it, it has a tremendous effect on them.

Senator **Specter**. Do you agree with that, Mr. Smith?

Mr. **Smith**. Yes; I do.

Senator **Specter**. Mr. Smith, just one more factor. What were you convicted of? What charge?

Mr. **Smith**. I was convicted of flashing.

Senator **Specter**. Convicted of flashing?

Mr. **Smith**. Yes.

Senator **Specter**. I don't recollect any specific charge on the penal codes.

Mr. **Smith**. It's indecent exposure.

[The following was received for the record:]

The Urge

What is the urge that we hear sex offenders talk about? The urge for the sex offender is a need to get their rocks off. The sex offender gets off by using power over somebody, something or some situation. I believed the fallacy that I was hornier than the average person thus supporting my increased need to masturbate. However I was only fooling myself, because in reality I was blocking my feelings and giving me a license to act out. The urge is really my gut saying something is bothering me and inflating my base feelings. Thus I have the urge or need to have power. So instead of acting out in some sexual fantasy via masturbation, take a look at what is happening in your life at the present time. If look hard at the periphery circle you will find what is feeding into your base feelings. Once you have dealt with the issues at hand, I have found that the so called urge or need for power disappears. So I have found that I am not really the six million dollar man when it comes to horniness but just a man. Tony, sex offender.

Senator **Specter**. All right, gentlemen, thank you very much. I know it's not easy for you to step forward, but this is helpful to have your own insights as to what your experience has been.

I would like to call now Sgt. Ray Micknowski.

Thank you very much for joining us, Sergeant Micknowski. I appreciate you being here, and as I'm advised by my counsel, Bruce King, you do not have a written statement, but will arbitrarily respond to questions.

STATEMENT OF SGT. ROY MICKNOWSKI, PITTSBURGH POLICE DEPARTMENT

Sergeant **Micknowski**. Yes; sir.

Senator **Specter**. Sergeant Micknowski, how long have you been with the Pittsburgh Police Department?

Sergeant **Micknowski**. I have been with the Pittsburgh Police Department for the past 18 years. Of that, 14 years has been with the sex assault section; 9 years as an investigator and 5 years now as sergeant in charge of the squad.

Senator **Specter**. In the capacity of your work on the sexual assault section, do you have any occasion to take a look at the materials which are sold, for example, on Liberty Street, so-called obscene materials?

Sergeant **Micknowski**. We get to see it every once in awhile when we make an arrest on a fellow we may come across his collection of pornography books or photographs.

Senator **Specter**. Sergeant Micknowski, does the pornographic material have any role at all in the child molestations cases which you have investigated?

Sergeant MICKNOWSKI. I believe it does. We find that they usually use the pornography literature or photos to show to a child to get the child to coerce them to do whatever.

Senator SPECTER. How does that work exactly?

Sergeant MICKNOWSKI. Well, in a situation when you may have a young child who needs some reassurance and this person is able to give them reassurance and has the child pose for them the way it is in a magazine by saying to the child this is the way you will look when you are an adult. See how pretty this woman is; this is how pretty you will be.

Senator SPECTER. You have seen specific cases like that?

Sergeant MICKNOWSKI. Yes.

Senator SPECTER. How many?

Sergeant MICKNOWSKI. It's hard to say. Over the past years it has been quite a bit.

Senator SPECTER. Sergeant, do you think that child molestation is about the same as it was when you began? On the decrease, increase?

Sergeant MICKNOWSKI. I believe it's on the increase.

Senator SPECTER. Significantly?

Sergeant MICKNOWSKI. Significantly. What's happening is it's becoming more available to these people, child pornography especially.

Senator SPECTER. Do you think pornography is a triggering factor?

Sergeant MICKNOWSKI. I believe so, yes, sir.

Senator SPECTER. How much of a factor? A big factor, moderate factor?

Sergeant MICKNOWSKI. Moderate factor I would have to say. I don't have any study on it, but I know as a police officer we come in contact with persons own private collections of pornography.

Senator SPECTER. Do you find in your capacity in the police department that there are people who have large private collections as distinguished from the kinds of magazines and books we have seen on the stands?

Sergeant MICKNOWSKI. Yes; if I may say, one of the cases we had recently was a man who had over 150 magazines when we searched his apartment. He had 19 reels of movies and a couple of video cassettes, plus he had nude photos of children that he was in care of.

Senator SPECTER. How about the cassettes, were they all commercial cassettes or did he make some of his own movies?

Sergeant MICKNOWSKI. Commercial.

Senator SPECTER. How about the issue of sexual assaults on women? Do you think that the pornography contributes to that?

Sergeant MICKNOWSKI. Well, we find that usually when we have a case we find pornography involved. The only way we come in contact then is when a woman tells us that the man either showed her pictures or took pictures of her or something like that.

Senator SPECTER. How frequently does that occur?

Sergeant MICKNOWSKI. Not too frequently.

Senator SPECTER. How many cases like that have you seen in your 14 years?

Sergeant MICKNOWSKI. Approximately 50 or more.

Senator SPECTER. Fifty or more?

Sergeant **Micknowski**. Yes; sir.

Senator **Specter**. Well, that's fairly frequently, not unsubstantial.

You heard Ms. Sadler's testimony about what she thinks is the impact on women as a result of pornography?

Sergeant **Micknowski**. Yes, sir; I did.

Senator **Specter**. Do you agree with that? Disagree? How would you respond to that?

Sergeant **Micknowski**. I agree with this. Pornography seems to be one of the main problems we have, but the problem also is freedom of speech difficulty that you have already mentioned.

Senator **Specter**. I was about to ask you your sense of that. With respect to the constitutional rights of freedom of expression, how do you view—I am asking you this knowing that you are not an expert or constitutional lawyer, but what impact do you see on a chilling affect of legitimate free speech and free expression by having ordinances against pornography as the Indianapolis ordinance prescribed?

Sergeant **Micknowski**. The problem with pornography is when does it become pornographic? I think that's the main problem. It's not only nude photos. We have nude photos and pictures throughout history, and it's hard to say what is pornographic.

So I think that's one of the problems we have nowadays in trying to give a definition of what is pornographic, what is obscence. It's always been a problem with obscenity. What is considered obscene? What may be obscene to you may not be obscene to another person.

Senator **Specter**. Chief Justice Oliver Wendell Holmes had the best definition yet on first amendment rights. He said people have the right to speak freely, freedom of speech, but that doesn't give somebody the right to cry fire in a crowded theater.

Sergeant **Micknowski**. That's correct.

Senator **Specter**. And on expression there will be a real issue whether somebody has a right to publish materials which will trigger others to commit acts of sexual aggression.

So a key question is, and we have heard from Mr. Smith and Mr. Ferguson; Do these materials trigger people to commit acts of sexual aggression? What would your answer to that be?

Sergeant **Micknowski**. I would have to say at times they do. Sometimes we don't know definitely, but sometimes a person may look at these magazines and it doesn't affect them whatsoever and sometimes they do. So it's difficult to say.

Senator **Specter**. One question which is complex and, that is, How frequently will it be if you have a society of 230 million people and it's going to trigger that conduct in one person then you can't really ban it, but if it's going to trigger that kind of conduct in a significant percentage of people then it is sufficiently antisocial that weighs on the scale of other constitutional rights.

I know this is a hard question, but give me your judgment as to the frequency of triggering acts of sexual aggression against children and woman as a result of this kind of material?

Sergeant **Micknowski**. Well, with children it seems to be prevalent. It's there. And when you are talking about children you are talking about young adults, and as children you don't have any rights per se as an adult does.

And I think child pornography is more serious than pornography with adults because usually with adult it's between consenting males and females who know the laws and who know what should be right and wrong, but with a child they don't know the right and wrong they are being taught.

Senator SPECTER. What did you think about Ms. Sadler's testimony about the wife who was compelled by her husband to submit to acts which were characterized and pictured in a magazine?

Sergeant MICKNOWSKI. That's one of the cases that we have handled and I know quite thoroughly about that case.

Senator SPECTER. Is that a legitimate concern of law enforcement? That a woman should be expected to be strong enough to get herself out of those situations?

Last night on "Hotel" you see on television that a woman was being beaten by her husband and she finally ended up shooting him in the shoulder. She was trying to kill him, and the lead in "Hotel" was saying she should have the strength to leave him, and, of course, you can't plan to shoot your husband even if he is beating you.

If it occurs spontaneously in the heat of passion, of hot blood, so to speak, you may be able to convince a jury it's self-defense or temporary insanity, but a very difficult line of legal analysis is what are the rights, how far should society go in taking the initiative where women ought to be strong enough to stand up to their husband, or going to the police, leaving them, taking action themselves. What is your feeling on that?

Sergeant MICKNOWSKI. I think you not only have to be strong enough but there also has to be a system setup that would back these people up when they too do make that type of decision.

And this situation where the woman with her husband, he abused her not only physically but sexually, but also threatened to kill her children and she had to have someplace to turn.

Senator SPECTER. This is the case you are talking about?

Sergeant MICKNOWSKI. That's the case I am talking about.

Senator SPECTER. That you are investigating?

Sergeant MICKNOWSKI. Yes.

Senator SPECTER. When they come to the Pittsburgh Police Department you responded in a way to protect the woman?

Sergeant MICKNOWSKI. Yes; we do.

Senator SPECTER. You would even encourage from women being beaten by their husbands or physically abused, in any form, to report it to law enforcement?

Sergeant MICKNOWSKI. Yes; sir.

Senator SPECTER. This has been very helpful. I wish we could spend more time on these complex subjects. We have investigated them very extensively in hearings in Washington, as I say, and I think it's very useful to be here and to see what is going on, and I commend you, Sergeant, for the work you are doing, and I want to thank Mr. Smith and Mr. Ferguson for coming here and telling us their experiences because I think it is very useful, and we also want to thank Ms. Sadler for her testimony, and we appreciate your being here, and that concludes the hearing.

[Hearing concluded at 10:08 a.m.]

EFFECTS OF PORNOGRAPHY ON WOMEN AND CHILDREN

TUESDAY, OCTOBER 30, 1984

U.S. SENATE,
SUBCOMMITTEE ON JUVENILE JUSTICE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:30 a.m., in room 226, Dirksen Senate Office Building, Hon. Arlen Specter (subcommittee chairman) presiding.

Staff present: Mary Louise Westmoreland, chief counsel; Bruce King, counsel; Scott Wallace, counsel; Tracy McGee, chief clerk (Subcommittee on Juvenile Justice); Mike Wooten, counsel (Committee on the Judiciary); and Lynda L. Nersesian, counsel (office of Senator Grassley).

OPENING STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA, CHAIRMAN, SUBCOMMITTEE ON JUVENILE JUSTICE

Senator SPECTER. Good morning, ladies and gentlemen. We will begin the hearing.

This hearing is the fifth in a series to examine the impact of pornography, principally on children but also as it may affect others.

Our hearings have led so far to change of the law on pornography, signed into law by the President some time ago on interstate shipment of obscene materials as they relate to children, toughening of the penalties. We have also examined the question of pornography as it may relate to abuse of children and pornography as it may relate to molestation of children. And that has led into the immediate adjacent field of pornography as it may relate to problems with women and have examined the ordinances from Indianapolis and Minneapolis and have had a number of witnesses testify about the exploitation of women, about their abuse of a causal connection between such materials and aggressive acts of sexual—that amount to criminal acts, rape, assault with intent to ravish. Today we are going to be examining the other side of the picture, of those who believe that these materials are within the ambit of first amendment freedom to provide an opportunity for all points of view to be heard.

We have a distinguished panel of witnesses today who are experienced and thoughtful on the subject and welcome them here.

Our first witness is Mr. Al Goldstein, publisher and editor of Screw magazine.

Mr. Goldstein, we thank you for joining us and the floor is yours.

STATEMENT OF AL GOLDSTEIN, PUBLISHER AND EDITOR OF SCREW MAGAZINE, NEW YORK, NY

Mr. **Goldstein**. Thank you very much.

I would like to make a brief opening statement if I might.

Senator **Specter**. That is fine.

Mr. **Goldstein**. Mr. Chairman and members of the committee, I am pleased to have this opportunity to address you.

As publisher of Screw magazine I have been involved in the so-called adult-entertainment business since November 4, 1968. For the past 8 years I have been the producer and director of the adult-entertainment cable-TV show called "Midnight Blue," which airs on cable in New York City.

I would agree immediately that sexually explicit materials are available in many contexts and I think one of the problems that this committee will probably address itself to is that of semantics. The Supreme Court has not been able to resolve what obscenity is in fact. Indeed, we know that obscenity is a very subjective kind of an evaluation.

We know, too, that we are talking about something touching on explicit sexual activities and that as the adult business now exists and as it is commonly referred to as pornographic, much of it is shoddy, inferior, desensitizing and dull. But that is as American as daytime television and game shows. Lack of quality seems to be endemic to the U.S. entertainment system.

But I think the problem goes beyond lack of quality. Within the area of pornography, any means of prohibiting the availability of hard-core pornography to children is something I not only concur with but something I actively support. At this moment the adult pornography industry is in favor of representations of sexual material for consenting adults. We in the adult business favor laws to prohibit access of this material to children, people under 18 years old.

When the issue of children is raised in this context, the point must be made that there are many things which are deleterious to young people: cars, drugs, cigarettes. We do not prohibit the availability of these things to adults because some child may get hold of them. We just enforce the laws to make certain the children do not have access to cigarettes, cars, and various other substances that are intended for adult use.

My reason for coming here is to say that I think what distinguishes the United States is that we have a willingness to tolerate points of view that we find upsetting or even disgusting, tasteless, and vile. In a country such as Russia or Cuba, I would probably be in prison at this moment. I think the very tolerance of dissent and points of view that certain groups find reprehensible is what distinguishes the United States. That is why I am here again to reiterate that in no way am I going to sell the idea or make a polemic for pornography, I think pornography is deadly dull to many people. I think it might offend many people. I think many things in a free society offend many people. I am not religious but I have to look at Sunday religious programs. I am not a smoker but I see blandishments for smoking in the newspapers. I am not a Nazi. I listen to the words of members of anti-Semitic groups arguing that Jews be burned. I am not anti-black and yet the Klu Klux Klan has a platform to make representations of its position.

As long as it is an idea, as long as it is not an actual act, it is protected under the first amendment. Once we go into the area of taste, we are going to have some women who find explicit heterosexual activities repugnant, telling other women or other men that they cannot view those images of these activities. We then run the danger of tyranny and the kind of mind control that the United States thankfully has never fallen victim to.

Let that suffice for now.

[The prepared statement of Mr. Goldstein follows:]

PREPARED STATEMENT OF AL GOLDSTEIN

Mr. Chairman, members of the committee, I am pleased to have this opportunity to address you.

As publisher of SCREW magazine, an adult-entertainment newspaper begun in 1968, and as producer of Midnight Blue, an adult-entertainment cable-TV show, I, Al Goldstein, am considered by many to be an expert on the subject of sexually-oriented material. If these past sixteen years have made any one thing clear, it is that adults -a vast number of them in this country- want to have sexually explicit materials available to them in a variety of media. You might get me to agree that these materials, as they currently exist, are often shoddy, boring, inept and without humor. But lack of quality has never been cause to suppress a product offered for sale to the American public.

You will certainly get me to assent to any action which helps prohibit young people from viewing sexually-explicit material - just as I would readily assent to keeping guns, liquor and cars out of the hands of children. But I will defend, with all my resources, the rights of adults to view sexually-oriented material, and with as much vigor as others would defend their rights to possess firearms, consume whiskey and operate cars.

One hallmark of a free nation is that there can be a myriad of views represented, that no voice can be silenced for the sake of uniformity. Russia is the nation that features such uniformity, and in Russia the obscenity charge is a favorite tactic of silencing those with whom the state is displeased. Ideas are the lifeblood of democracy.

To say that sexually-explicit material has no place in our society is to adopt the paternalistic role of a totalitarian government and deny Americans the respect they are due in making choices for themselves. To say that because a thing is sexually explicit it therefore does not compete in the marketplace of ideas, that it does not constitute a form of expression, does more than risk compromising this country's cherished freedoms, it corrupts them.

Certain voices of protest claim that pornography degrades women, that it deprives them of their civil rights. They claim that sexually-explicit images have a totemistic power to cause rape. This argument is shot through with logical fallacies and dubious interpretations of the statistics. All rapists read pornography, they will tell you, therefore, pornography causes rape. They might as well say that being milk-fed as a child causes rape, since all rapists were milk-fed. Scientific evidence concludes that non-violent sexual images causes no anti-social behavior. The voices of protest will introduce evidence which says that violent sexual imagry induces a sort of desensitivity to violence, but that is as far as they can go. And here we must carefully discriminate between violent and non-violent pornography. While the vast majority of images produced by the adult entertainment business in this country is non-violent, the voices of protest will have you believe differently, and will condemn the many for the disgraceful excesses of the few. There are laws against rape; let them be enforced. There are laws against the exploitation of children; let them be enforced. But let us not create a new reign of repression by creating new laws that deprive all people of their vital constitutional rights. There are repressive regimes which outlaw free sexual expression. There are countries that have successfully outlawed pornography, but those countries still have high incidences of rape. What they don't have is free speech. The passage of a civil-rights pornography law will not reduce rape, but it will abrogate our constitutionally protected rights.

As a society, we are far less sensitive to violence than we are to tenderness. Here we are, not just today, but in general, debating whether adults should be permitted to view so-called "pornographic" material, material which depicts in words or in photographs, the act of lovemaking. On the other hand, while certain concerned groups have spoken out against graphic depictions of violence, it is such entertainment that continues to be produced, unfettered, and in virtually every mode of communications.

As someone who's made a livelihood from adult entertainment, I will not say that the sex media is devoid of depictions of violent acts. But I will say that their incidence is less frequent than in mainstream media - something close to about three percent. Anyone who must accurately assess the sexual tastes of the public in order to make a profit will testify that there is only the smallest demand for material which can be interpreted as violent and of that, virtually all caters to a harmless penchant for role-playing in sexual fantasies. Lovemaking remains the primary message of the sexually explicit media.

I agree that women have a difficult place in our society. They have won many battles and thereby gained a tremendous amount of respect. Yet they seem to believe that this battle against pornography will win them the war. I maintain that if porn has any place in the litany of their struggle it is as one more reflection of the way women are viewed, and not a cause of their condition. The same is true of any element of contemporary culture, little of which, incidentally, has come under such virulent attack as has adult entertainment.

I've heard estimates on the size of the adult entertainment business ranging from four to seven billion dollars annually. However large it is is irrelevant except that the size indicates a massive demand. We are not talking about the illicit sale of drugs which demoralize and kill, or the sale of handguns to criminals or contraband of any kind. We are talking about a form of entertainment, a diversion about which the worst that can be said is that its creation is sometimes as mindless as its consumption. That, as some claim, it results in mass victimization, leaves me aghast, quite frankly, and wondering, if that's true, where is the evidence? Where is the proof?

Furthermore, if the law passed in Indianapolis is ultimately found constitutional, it's fair to expect that particular motion pictures, magazines and television programming will be scrutinized and possibly acted against as the law proscribes. The massive and unseen ramifications of this one law, to me, are unconscionable. Individuals will have the power to bring about the censorship of offending material and, I suspect, they may eventually get around to censoring material the framers of the law didn't have in mind, including literary classics and passages from the Bible.

And could the court then deny upholding a similar law for Jews who find certain books or motion pictures offensive? Or for Italians? Blacks? Hispanics? Or short people? All these groups would be entitled to the same treatment, the same freedom from this presumed and, I think, imaginary degradation. And with all questionable references to them purged from our books and motion pictures, we'll have what the supporters of this law want: a contemporary culture, innocuous, inoffensive and totally sterile, our libraries empty, our theatres morgues and our constitution nothing more than a meaningless scrap of paper in a glass box.

Senator SPECTER. Mr. Goldstein, you make the distinction between an idea and not an actual act.

What if the idea for the materials trigger an actual act, as you put it, assault with intent to ravish or rape or molestation of a child?

Mr. GOLDSTEIN. Donnerstein, a psychologist at the University of Wisconsin, has been quoted by the feminists from an article in the New York Times, July 3, 1984. Donnerstein is quoted as saying "Male students after viewing violent X-rated films were less likely to feel sympathy for women who had been raped."

But he said in an interview that his research had been misused by opponents of pornography.

If you take the violent content out of pornographic films and leave only the explicit sex, there is no effect, he said. It is the violence, whether connected with sex or not, that results in the desensitizing to violence.

Another gentleman, a man I have known and who testified against me in a trial in 1969, Dr. Ernest van den Haag was quoted in the same article in the New York Times: "If I had any statistics that pornography was bad, believe me, I would use them."

Sir, we can have my experts against their experts. There is no concrete proof that the viewing of representations of people making love leads to any antisocial behavior.

Senator SPECTER. Look, there are differing views on that, as you say.

Mr. GOLDSTEIN. Yes, sir.

Senator SPECTER. Some experts say that it is a causative factor, others disagree.

But if the Congress were to find that it is a causative factor, somebody has to make a judgment as to what are the facts. But if the Congress finds it is a fact and it then leaves the range of ideas to what you characterize as an actual act, then would Congress be acting appropriately to prevent the publication which leads to a rape or a child molestation?

Mr. GOLDSTEIN. Sir, I believe it would be inappropriate even if such evidence existed. Such evidence would be fallacious at this moment; it does not exist. We have both Donnerstein and Dr. van den Haag; and we have the President's Commission on Obscenity. The issue is not to control that which is loathesome to some, but to permit the greatest availability of ideas and images in this marketplace of ideas. We are dealing, so far as I am concerned—and again, I have been publishing Screw for 16 years—with a world of fantasy. My readers might masturbate, my readers might be turned on sexually and wish to go to hookers or have sexual congress with their wives. I think within the privacy of one's own mind, so long as there is no antisocial behavior, in which case there are laws on the books that prohibit rape, I think that to control anything that represents ideas, whether it is Nazis, or the Ku Klux Klan, or communism, or pornography, is so chilling to the first amendment as to be a contradiction of everything that this Nation stands for.

If you find an idea disagreeable, then I think your tolerance of that idea is what makes America unique.

Senator SPECTER. Well, let us move away from the idea and let us move to the pictures.

If the picture triggers a rape, then what?

Mr. GOLDSTEIN. All the studies indicate that pictures do not trigger rape. If you want to liken masturbation to rape, that might be your value system. To me, masturbastion is neither self-absue or something loathesome, but something pleasurable. Pornography can lead to sexual activity, whether concrete sexual actions between couples or masturbation this invidious suggestion, that sexual activity suddenly catapaults into rape, is to me so fallacious, it is like Joe McCarthy waving the famous cards in his hand, saying, "I have here in my hand the names of 51 Communists in the State Department."

What I am saying is that the issues are clear cut and I want to address them and confront them directly. Are you going to, or is Congress going to tell adult males who buy 20 million men's magazines every month that you know what is best for them? That you know their fantasies, that coveting of a woman—as Jimmy Carter said, he had lust in his heart. Lust in one's heart is a positive. Fantasy is a positive. I like looking at pictures of nude women and I am glad that my readers like looking at pictures of nude women. I would challenge most fervently any attempt to repudiate that kind of a right because, as Justice Oliver Wendell Holmes said, when speaking about privacy in the bedroom. "Americans want to be left alone."

Are we next going to have sex position police? Let us stay out of people's private lives so long as there is no damage.

Senator SPECTER. Before I ask you the same question again, I will answer your question.

Congress is not about to do anything in telling 20 million people or anybody what to do at the moment on the subject. Congress is just trying to ask a few questions on the subject.

The question that I have asked you, if the picture triggers an act of rape or if the picture triggers child molestation, you do not think it does, you may be right or you may be wrong. But if it does, then the question arises as to whether even so, if that would be protected under the first amendment, which is the question I come to you beyond that.

But I would like to get the first question answered if I can.

Mr. GOLDSTEIN. Yes. Even if there was a result, there might be a foot fetishist who passes a shoe store called Tom McAnn and gets turned on and accosts a woman, somebody sees a TV show, as we saw the Farah Fawcett TV show and emulates an action that they saw on television, there is danger to everything. You look at the mayhem on network news and there is a danger. I have a 10-year-old son. One, I do not let him watch my cable show; and two, I do not let him watch the network news. There is too much violence. There is danger all around us. We are surrounded by a world of peril.

Senator SPECTER. Are there any exceptions to that, Mr. Goldstein? For example, if you appear on the network news?

Mr. GOLDSTEIN. I hope I am not a product of mayhem when I am on the network news.

Senator SPECTER. I just want to know if he will be permitted to watch on the network news. There are some networks here today.

Mr. GOLDSTEIN. My son does not look at—basically I would let him look at network——

Senator SPECTER. I withdraw that question.

Let me come back to the question about if a picture causes the molestation of a child, you would say even so it is none of the business of the State or Congress or State legislature to stop that picture?

Mr. GOLDSTEIN. I would say I appreciate your concern. I applaud your concern, but 51,000 people died in car accidents last year, alcohol contributed to that.

Are you going to stop the manufacture of automobiles or the sale of liquor? What you are going to do is control the availability of liquor to minors. If somebody misuses something, whether it is a knife or a car or pornography, there are laws on the books to satisfy those concerns and I respect Congress' concern. But to deny those of us who handle it as an integrated part of our life is such a contradiction of that first amendment and what we stand for that it is horrendous and repugnant to me.

Senator SPECTER. Well, I will answer your last two questions if you will answer mine.

Mr. GOLDSTEIN. Yes, sir, I will be glad to.

Senator SPECTER. Yes, we will affect drinking as Congress did last year saying that States which do not maintain a minimum drinking age of 21 will not get Federal highway funds and, yes, we will regulate dangerous cars in a variety of ways. But if the Congress concludes that certain photos cause molestation of children, you still do not think it is the business of Congress to act on that?

Mr. GOLDSTEIN. Although I am a first amendment absolutist, in the area of children I deviate from my absolutism, which is rather strange. It might seem like a contradiction, but bear with me.

I am again——

Senator **Specter**. I know you do, that is why I am trying to come to this.

Mr. **Goldstein**. Yes.

Please, let me just give an example. I am in favor of a Nazi saying that a Jew should burn. I am in favor of the right of someone speaking that, but not overt action. I am in favor, and I have been a member of the American Civil Liberties ever since I was 14—I am in favor of a member of the Ku Klux Klan arguing that blacks either be lynched or be sent back to Africa, whatever. Whatever point of view that they have.

But in the area of children, they must be protected. For the 16 years I have published Screw, even before I published Screw, I have always felt children must be protected. So Screw magazine has never championed, has always been appalled by the abuse of children. We have never condoned it, never run photos of child abuse and frankly, I feel that anyone who sells photos of child porn should be put away for a long, long time. I think sometimes it gets tricky when you have a book such as "Show Me," which was a sex education book and caused great controversy. I favor very broadly sex education but I think when there is a clear-cut utilization of children in explicit sexual activities for that very subterranean underground market, I favor its control.

Senator **Specter**. Mr. Goldstein, do you disagree with the Supreme Court of the United States which has found that obscenity is not within the ambit of the first amendment protection?

Mr. **Goldstein**. Yes, sir; I do. I absolutely do. And if I can just explain why Screw magazine for 16 years has been subjected to many obscenity arrests. Under Richard Milhous Nixon I was indicted under the Comstock laws in 1977, I went on trial in Wichita, KS, although I had never been there, I had never sold a copy of Screw there.

Senator **Specter**. I was born there.

Mr. **Goldstein**. You were born in Wichita? Well, postal inspectors took subscriptions to Screw magazine to create a venue. And I must say that under Mr. Nixon it was an artificial venue, my paper was never sold there and I had never been there except to go on trial. And after 3 years the jury ruled 9 to 3 in my favor and ultimately a mistrial was granted and all charges against Screw magazine were dropped.

Senator **Specter**. Was there a defense on the ground of manipulation of venue?

Mr. **Goldstein**. No, we never got to that point. My attorney was quite excellent; he was Hearld Price Fahringer. We argued on the basis that Screw had socially redeeming value. So when you raise the issue of pornography not having protection under the first amendment, I must say that Screw magazine, though it shows explicit sex, is rabidly political, is antagonistic to many people including the President of the United States and antagonistic to many institutions. And that even though we use sexual images to depict our antagonism, that is an ideology. I maintain that pornography has a point of view, that masturbation is a point of view, that homosexuality is a point of view, that group sex is a point of view. If the Jerry Falwells have a platform for families, whatever values he has, I maintain that hedonists and those who have a different way of life are entitled to their platform.

What we are speaking about is opinions and points of view and I think if you oppress us, you are no different than Russia which represses many political dissidents under its obscenity statutes.

Senator SPECTER. Mr. Goldstein, I am trying to take the issues one at a time. And the issue that I last asked you about was whether you disagree with the Supreme Court which has ruled that obscenity is not protected by the first amendment. And you do say you disagree with it.

Mr. GOLDSTEIN. Adamantly disagree.

Senator SPECTER. Well, when you disagree, that of course is your prerogative. But you do not state the law because the law is, as interpreted by the Supreme Court of the United States, that obscenity is not protected by the first amendment.

Mr. GOLDSTEIN. But we must go a step further, because the Supreme Court does not know what obscenity is. If Screw magazine is not obscene—and, again, although I was charged with obscenity, I was never convicted of obscenity under Federal law. If this is an example of what is not obscene, I think you are going to have a problem. And any way you cut the law, Screw is a point of view, it has a position, it has an ideology. And in Wichita, KS, Screw was found not obscene. I must tell you that you are trying to——

Senator SPECTER. Mr. Goldstein, Wichita, KS, is a highly sophisticated community. I do not know why you keep picking on Wichita.

Mr. GOLDSTEIN. Well, I do not know why the Nixon administration transported me 1,500 miles. Was it just to stand trial for something now available on Home Box Office? Times change. The movie "Gone With the Wind," the word "damn" was outrageous. In a movie that Otto Preminger made, he could not use the word "virgin."

Times change, sir, and the conviction for Screw magazine in 1969 is ludicrous if you only look at it. It just showed frontal nudity. We can bring in "Lady Chatterly's Lover" and Henry Miller, and I can show you the movement of the obscenity laws. We can talk about Ulysses in 1935, when Judge Woolsey permitted it into the country. Screw magazine, though it was found guilty in 1969, is in every market in every State.

Senator SPECTER. Mr. Goldstein, my question is: What happened to that case?

Mr. GOLDSTEIN. Screw was found guilty of obscenity in New York City. It was a misdemeanor conviction.

Senator SPECTER. And it stood? It was not reversed?

Mr. GOLDSTEIN. The U.S. Supreme Court ruled against us 5 to 4. It would not grant certiorari.

Senator SPECTER. It would not grant certiorari? Well, if four Justices vote for certiorari, certiorari is granted, Are you saying that four did vote for certiorari?

Mr. GOLDSTEIN. Goldstein. It was a 5 to 4 against us. I know we never got up there.

Senator SPECTER. A case in the court of appeals was a 4 to 3 decision.

Mr. GOLDSTEIN. Four to three. Judge Gabriel I think was the deciding judge.

Senator **Specter**. The court came down in very strong language against your magazine. I do not know what the underlying materials were, the court came down in very strong language against your magazine in the New York case.

Mr. **Goldstein**. It was a 1969 conviction. When the Federal Government put me on trial under a 12-count indictment—I believe I was indicted in December 1974 and I believe the final resolution was in 1977—there was 3 years of litigation in which I stood to serve 60 years, sir. There was one conviction in which there was Government misconduct. The judge set aside the conviction and, as you know, sir, the records are there. And there was a second trial in which there was a hung jury, 9 to 3 for acquittal. The Justice Department had dropped the charges against Screw.

So my last conviction, sir, was 15 years ago and it was a misdemeanor.

Senator **Specter**. Mr. Goldstein, in one of our hearings, oversight on the Office of Juvenile Justice and Delinquency Prevention, the contention was made by Dr. Judith Weissman concerning materials which were related to juveniles which I would like to ask your opinion on.

Would you join me here for a minute and look at this magazine for a minute?

Mr. **Goldstein**. Yes, sir.

Do you want me to get up or what?

Senator **Specter**. Yes, sir. I think we can share this microphone.

My question here is: In looking at a book like "Chester the Molester," which depicts a child, as you see, sliding down by a man in a position for immoral sex.

What do you think about something like that? Answer it here.

Mr. **Goldstein**. Well, it is from Hustler magazine. I find it distressing, but I would not limit it. I am sorry to say that in certain ways I embarrass the American Civil Liberties Union. I certainly believe that as a first amendment absolutist, Larry Flynt embarrasses me. We all have a threshold beyond which somebody can go too far. I find it despicable but I think that Larry is a bit mad and I would let him practice his insanity.

Senator **Specter**. You would find it permissible?

Mr. **Goldstein**. Yes, sir; I would.

Senator **Specter**. Do not go away.

Here we have a child in bed, depicted as a child in bed with a Teddy Bear, what is depicted as a result—first of all, what do you think?

Mr. **Goldstein**. What I see here in Playboy is "Alice in Wonderland" whimsy and fantasy. There is nothing here that chills me. It has nothing to do with children.

Senator **Specter**. OK.

Mr. **Goldstein**. Yes, but you see I should not be here and you should not be here, the public out there should be buying what they want. It is not your role to be the literary agent. I do not want the platonic censor kings, I do not want you being the arbiter of what you find acceptable or me being the arbiter in what I find acceptable. How dare we. That is the issue, sir. The issue is not a literary issue.

Senator SPECTER. Mr. Goldstein, you say you should not be here and I should not be here. You are here because you volunteered.

Mr. GOLDSTEIN. Because I wanted my viewpoint to be represented and I appreciate you having me here, sir. But I do not think we should be a literary screening committee for what is acceptable to most Americans to look at if they are over 18.

Senator SPECTER. How about children and how about the issue of—as some experts have testified before this committee said, that this causes child molestation. How about another one of Chester——

Mr. GOLDSTEIN. Its publisher is Larry Flynt. The man ran for President, so he is not too sane, is he? [Laughter.]

Senator SPECTER. I do not know, he has not run for the Senate.

Mr. GOLDSTEIN. I would be content to keep Hustler limited to people over 18, sir. I have no problem with that.

The thrust of my argument is that consenting adults have the right to read what they want to without having to have Jerry Falwell's approval.

Senator SPECTER. You do not see this as the problem on giving ideas to adults to molest children?

Mr. GOLDSTEIN. Sir, the TV—the news, I watch CBS news, NBC news, local news in New York City—lead with nine murders. Anybody that is suggestible, with that kind of predisposition, is going to have a problem. We are talking about the effect of this on the ordinary person.

Senator SPECTER. The new laws which have taken effect prohibit, I think it is fair to say, juveniles in explicit positions. What do you think about that? This appears to be a young woman under 18.

Mr. GOLDSTEIN. I know her, sir, she is 19. She is quite lovely.

Senator SPECTER. How old was she at the time the picture was taken?

Mr. GOLDSTEIN. She is now 21. She was 19. She is older now. I see her at Hugh Hefner's parties. When that was taken, she was 19, sir. They are not going to jeopardize that $200 million empire by photographing minors. So I think it would be ludicrous to even hint that. You are saying she may look that young. Some men do have the Lolita fantasy, but would you make the book "Lolita" illegal? Fantasy is different than actions.

Senator SPECTER. I will answer your question "No." I hope you will answer one of mine.

Mr. GOLDSTEIN. It will be my pleasure, sir.

Senator SPECTER. I have not seen her birth certificate, I do not suppose you have either, to say she was 19 at the time. Would not you agree that——

Mr. GOLDSTEIN. Sir, have you seen Brooke Shields lately? This woman did not become famous looking 35 or 50.

Senator SPECTER. I take that as a qualified——

Mr. GOLDSTEIN. Sir, male fantasy, female fantasy, I know women walking around looking at young men, fantasy is permissible, sir.

Senator SPECTER. And these other cartoons.

Mr. GOLDSTEIN. Sir, you are putting me in the role of cartoon editor of various magazines. I do not want to follow through this exercise of what I find acceptable or unacceptable because I find it absurd. I really do, sir. So you have my position.

I would like to sit down and continue with the argument.

Senator SPECTER. Fine, you are welcome.

Let me pick up on your own magazine, Mr. Goldstein. You are familiar with this one?

Mr. GOLDSTEIN. Sir, with about 816 issues, each issue 56 pages, I am not familiar with it line by line or item by item, sir.

Senator SPECTER. Come take a look at it if you would.

Mr GOLDSTEIN. Sure.

Senator SPECTER. This depicts under age. The question is: This depicts people who run——

Mr. GOLDSTEIN. This illustrates a view by an artist. It looks like a boy, maybe 16, I cannot tell. Maybe 17, 19. I do not know. It is a portfolio. Of whose work, I do not know.

Senator SPECTER. Well, this is your publication.

Mr. GOLDSTEIN. It is my publication, yes.

Senator SPECTER. It depicts a boy perhaps 16.

Mr. GOLDSTEIN. Sixteen.

Senator SPECTER. Thank you.

Mr. GOLDSTEIN. Sir, how many pages of Screw did you have to look at to find that? About 5,000? I mean there are references to various things in the Bible. If you look hard enough you will find anything you like, sir.

Senator SPECTER. I will be glad to make my staff——

Mr. GOLDSTEIN. I would appreciate it if you would peruse Screw very closely. Screw is in no way in favor of children abuse. We might reflect an artist's work because we do not believe in censorship. There is nothing there that I am ashamed of. Screw has, since 1968, reflected sexuality, politics, the pornographic scene. I have no shame or apology for my paper, sir. You must look at something as a whole, you must look at the total. If you want to isolate one or two images, I am sure you are going to find it. But I would ask you to look at the many thousands of pages that Screw represents rather than singling out one or two images to sustain a very fallacious point of view.

Senator SPECTER. Mr. Goldstein, let me say again that we are not sustaining any point of view or not looking for any point of view. They are questions only. Questions only.

Mr. GOLDSTEIN. That is why I made myself available, sir.

Senator SPECTER. OK, fine.

Let me take up one other subject with you on a matter which has been testified to by a number of women on the chains and the whipping of women.

There was some very compelling testimony presented that the pictures on magazines which show women in chains and women being beaten will have a causative effect on injuring many women today, tomorrow, at some point in the future. And the women who testified said that they could not identify who the women would be but they were very much concerned about these injuries which would be sustained as a result of men duplicating what they have seen in the pictures. And one of the three copies of Screw which I have looked at has such materials, not as extensively as some books like "Whip Master" and others, but one of the publications under Screw has this picture. And my question to you is: What is your response to the concern expressed by a number of women about the potentiality for injury to other women where these pictures are circulated and are duplicated in actual conduct?

Mr. GOLDSTEIN. This may, I hope, be a response to you, sir. What you are looking at is not a real photo of some bondage taking place in some concentration camp but somebody playing fantasy games like in Genet's "The Balcony." Screw magazine is an equal opportunity employer. We have as many men in chains as women in chains. Men like to play act and women like to play act and if somebody wants to wear foolish bondage clothing of either gender, that's fine. Men can be hurt just as easily as women, but they are playing. And why is it in homosexual game playing there are no victims? Gay men are as involved with some of these fetish activities; you need only read Krafft-Ebbing to know that the mind of man is quite fertile.

Again, I make a distinction between fantasy and game playing in one's home and hurting another human being, for which there are laws on the books. There is one club in New York called the "Hellfire Club," to which as many as 15 or 20 women and 200 men will go there to be humiliated. Men will crawl on their feet and be stepped on and women will step on their backs. It may look rather bizarre, it looks to me like Genet's "The Balcony"; I am sure to other people it looks like Dante's "Inferno."

The point is that these people are choosing to play-act. And in terms of leading to antisocial behavior, one person's fantasy is another person's marriage.

Senator SPECTER. Mr. Goldstein, you are correct that there are laws on the books and if a man ties up a woman and places her in bondage, she can press criminal charges.

Mr. GOLDSTEIN. Against her will, sir, but if she consents to play games——

Senator SPECTER. Wait a minute, I am not finished. I tried not to interrupt you.

She may prosecute the man for assault and battery or aggravated assault and battery or whatever the facts may show.

Under the Indianapolis ordinance which is subject to constitutional challenge at the present time, there is a cause of action created against the publisher where the idea originated on the ground that that activated the conduct, caused the conduct.

I am sure you disagree with that but let me hear your response on it so that we have a contrary point of view, which is one of the reasons that I asked that you come, invited you to come.

Mr. GOLDSTEIN. Thank you.

In terms of the Minneapolis statute, I find it truly chilling and frightening. Again, because it goes into the area of representations, because there are laws on the books regarding concrete acts and it says one cannot play in a certain way even if one feels playful.

You could not go to a shop such as the Pleasure Chest, a chain of shops in New York City, and I am sure in shopping malls throughout the country, where one can buy sexual paraphernalia. Sex in fun, it is not missionary, face to face only. And if one person either has a kind of sexuality or is celibate or has any antagonism to sexuality, I would think it is presumptious for say, a lesbian to confront a heterosexual and claim: "your sexual acting out is a violation of my civil rights." As a fat person I have to look at food blandishments on television. I find that an offense.

I must say that if something is offensive enough, it is only a representation, I can either change stations or look elsewhere. When one person presupposes they know what is best for another person, we are talking about the kind of mind control that is so at variance with the first amendment as to be extraordinary.

Senator Specter. Mr. Goldstein, when you talked about changing channels, you bring up the question, or we get to the question as to some of the cable television which has X-rated cable, so to speak. And I know that on your program "Midnight Blue," you do not put it on during the customary hours when children would see it.

Mr. Goldstein. Yes, sir.

Senator Specter. What is your view as to the availability of X-rated cable which is present say at 3 o'clock in the afternoon when so many latch-key children come home? Do you think there ought to be anything done about that?

Mr. Goldstein. Yes, sir; I do. I appreciate your giving me the opportunity to respond.

The "Playboy" channel, as you probably know, goes on the air at 8 p.m. It is on 8 p.m. to I believe 6 a.m. So it is not on in the daytime.

I wrote a piece recently for the New York Times op-ed page titled "Gore-nography." And what precipitated that first appearance or virgin appearance in the New York Times was Friday night when I was station hopping with my son and I suddenly saw a woman being stabbed on the Home Box Office station, which of course we know is owned by Time-Life. I was repelled and appalled that this woman was basically decapitated, at 8:30 on a Friday night, and I addressed myself to that in the New York Times. I think far more frightening than even explicit sexual activity are the decapitations that you see on HBO and Cinemax and other stations. Is it not strange that we are all so concerned about cunilingus and fellatio and masturbation and we seem to have let Halloween the 13th and Friday the 400th and all these violent movies in which women do not have orgasms, they are merely killed, gross huge amounts of money?

Again, I am not in favor of censorship, but it is very interesting in this Judeo-Christian ethic we call American society we are so worked up about sex, but violence is looked upon as acceptable. To go further, I feel that explicit sexual material on cable TV should be controlled. I believe the parent (a) must be there. If the parent is not there, we have a problem: and (b) I favor a key system and I believe in New York City if you ask Manhattan Cable they will give you a key system so that one can lock out the J station on which my own program appears on Monday and Friday at midnight. If an 8-year-old or a 10-year-old or a 12-year-old watches my show at midnight, I would like to know where the mother and father is? But I do feel a responsibility for the kind of programming I offer because it is in the home, and carries a greater immediacy than a copy of Screw magazine picked up on the news stand. I would like to see some kind of built-in protection for those parents who want to lock out the material that they find offensive.

Senator **SPECTER**. Mr. Goldstein, let me come back to your question of where the parents are at midnight and pick up one of your earlier statements. We have noted your article in the New York Times on July 3, 1984. We have read your works there as well as some of your other debates as well as Screw magazine. We tried to have some ideas as to where you stand on these issues. And you put it very graphically, as it says in your article in "Prom Night," a shard of glass is used to slash a woman's throat and decapitated head lodges in a pool of blood. Graphically stated, to say the least.

What is your recommendation about that kind of an issue? We have had hearings on the question of violence in television as a causative factor on other violence, had some just last week.

What do you recommend there, network programming?

Mr. **GOLDSTEIN**. Sir, I am sorry to say that networks are more irresponsible than the "Playboy" channel and Al Goldstein. But then again, their profits are larger.

I would again be opposed to censorship except in the area of protecting children. What I have done is buy 100 shares of Time-Life stock and I am going to the next stockholders' meeting and ask why they are so irresponsible and so unethical and why they are sticking in my home this kind of garbage that early on a weekday night. If they continue to say they are responsible, I assume I'll have to disconnect the system.

Senator **SPECTER**. So the remedy is to disconnect the system as opposed to try to prevail on them to change their program?

Mr. **GOLDSTEIN**. Through persuasion, sir, rather than legislation.

Senator **SPECTER**. Coming back to your comment about if the children are awake at midnight to watch "Midnight Blue," you wonder where their parents are? Well, we all may wonder where their parents are but a lot of parents are not there even at midnight.

Does that cause you any concern about your putting on "Midnight Blue"?

Mr. **GOLDSTEIN**. I think the viewing of a woman dancing nude is not going to traumatize a child.

Senator **SPECTER**. What does "Midnight Blue" show? I do not have a cable in Washington.

Mr. **GOLDSTEIN**. We would love to pipe it into you if you had a satellite dish. We will not even charge you. It is a 1-hour, 60 minutes——

Senator **SPECTER**. I have to interrupt you to reject that suggestion or offer, Mr. Goldstein.

Mr. **GOLDSTEIN**. It is a standing offer, sir.

Senator **SPECTER**. It is a standing rejection.

Mr. **GOLDSTEIN**. It is like "60 Minutes" and "20-20" but, Mike Wallace is naked. [Laughter.]

We interview porno stars——

Senator **SPECTER**. How do you get him to do that?

Mr. **GOLDSTEIN**. Mike will do it at the drop of a 20 buck bill.

No; I am being facetious of Mike Wallace. Our world is the sex world, sir.

Senator **SPECTER**. You do have quite a few personalities. You have nude figures with personalities' faces, do you not?

Mr. **GOLDSTEIN**. Yes, sir; we do. But in terms of "Midnight Blue," we interview topless dancers, porno actresses, the people in our environment who are news to us. I would not interview a politician, frankly; unless he had a position on prostitution or pornography it would not be appropriate. Ours is a 60-minutes, specialized program, no different than a show on fly fishing.

Senator Specter. Well, there are a great many subjects to be discussed, Mr. Goldstein. Some of the women's groups have been very strenuous in their objections to some of the columns that have appeared in your publication. One by Jeff Goodman, which I have before you which we would provide to you just so you would be aware of it.

But that kind of language however objectionable it may be is clearly within the ambit of first amendment rights. Mr. Goodman can say really whatever he pleases on the subject without giving any cause for the intervention of the law on materials. But it is a controversial phase and it is an evolving phase and I am not suggesting that when you deal with adults that the Congress is poised to step in here.

Let me ask you about one other carton line. This is one called the Red-Headed Rider and His Little Beaver and it is a story about——

Mr. Goldstein. In what magazine, sir?

Senator Specter. I am told it is in Screw.

Let me just have this handed to you.

[Document handed to witness.]

Mr. Goldstein. Yes, sir. I see it is dated 1979.

Senator Specter. Well, I just have one question and I think you probably pretty well covered it in some of your other testimony. But this cartoon depicts a number of men having sexual relations with an Indian woman and one of the men saying, "Hoo boy, raping Injuns is the American way." And my question to you is: Do you think this has any result on causing aggressive criminal and sexual conduct by anyone?

Mr. Goldstein. Sir, it is a political metaphor. The white man has screwed the Indian for hundreds of years literally, and with respect and deference to you in the language, it is appropriate, it is a political statement of our treatment of Indians. It is their country and they are the ones on the reservations, we are not, sir. Screw is hard-hitting and rough and it is political commentary. When I do an article about White House sex scandals and do a satire on Mr. Reagan or have a hoax revealed, "Reagan Dead Since 1980," that is political satire. I am carrying on the tradition of Lenny Bruce and proud of it, sir.

Senator Specter. Well, Mr. Goldstein, we appreciate your being here to state your position and to state your viewpoint. And I will repeat that we are really asking questions and we are really trying to get a perspective, your perspective in response to quite a volume of testimony on the other side by some very strong women's movements and it starts from our concern on the child matter and we have seen some very strong statements which you have had in writing about your objection to pornography as it relates to children and your statements here today about putting people in jail for a long time and the principal focus of this subcommittee, juvenile justice is on the effect of children. But it does spill over into other lines and a good many of the magazines deal both with children and with women and it is a complex question as to whether it causes acts of sexual violence and it is a complex question as to if so, how many and whether it is sufficiently problemsome to justify some legislative response. And the third part of that question is whether it is constitutional, if it does engender some legislative response. And these are not easy questions and we are going to be taking a look at them.

So we appreciate your being here and providing the information that you have.

Mr. **Goldstein**. I want to thank you, sir. I appreciate the opportunity and your courtesy. It is my first opportunity to be here and I merely ask that you look at our position, protect the children and let the adults have a good time. Thank you, sir.

Senator **Specter**. Thank you very much, sir.

I would now like to call a panel consisting of Ms. Seka and Veronica Vera.

We appreciate your joining us today to provide a different point of view from the view which we have heard from women who have complained about the degrading impact of picture magazines on women. I know that you women have a different point of view and we think that all points of view ought to be heard. So we welcome your joining us and we will start with you, Ms. Seka.

STATEMENTS OF A PANEL CONSISTING OF MS. SEKA AND MS. VERONICA VERA, NEW YORK CITY, NY

Ms. **Seka**. As a concerned citizen with a strong interest in the matter at hand, I appreciate this opportunity to present my views before this esteemed gathering.

I have been a part of the adult film industry for 8 years and have appeared in some 30 adult films. During this time, having met the majority of the leading producers in the business, I have never known anyone who was coerced, forced, or otherwise compelled to do anything against their will.

As a woman both inside and apart from the adult film industry, I do not feel degraded by what I have been a part of or by what I do in these films. In fact, I feel my civil rights are violated only when I am told that I cannot view adult films or other materials. This is a business for adults to be viewed, experienced, and enjoyed by adults. I am not in the business of making films for the simple pleasure of men but to be enjoyed by both men and women, separately as well as together.

On a personal level through my own mail order business I receive thousands of letters each year from fans in all walks of life. I would like to share with you one of the most surprising letters that I received. A 9-year-old boy requested an autographed picture of me clothed. My response was to immediately sit down and write his mother a letter explaining that I had received a note from her son and his specific request for a photo. I explained that my business caters strictly to adults and that although I would like to fulfill his request for a photograph I simply could not. No one under the age of 18 has ever or should ever qualify as a patron of our business.

I asked the boy's mother that she not judge her son harshly but suggested that she sit down and discuss the situation with him. All parents should be willing and able to talk over matters of this nature when their children have questions.

On the unfortunate subject of child pornography, I have never seen, heard, or otherwise been privy to any information leading to the existence of child pornography. However, it is happening and it should not be happening. Child pornography must stop, and it must stop immediately, with severe punishments dealt to those few sick individuals who are involved in the production and distribution of these materials.

The seriousness of this problem demands that the Government as well as the public, take a hard look at the streamlined products being released by both Hollywood and television networks. I would venture that many of these programs and films are more violent, degrading toward women and abusive to children than adult films.

The wide scale acceptance of these mainstream products poses a more serious threat to the position of women in society and the protection of our children than adult films. As a business person in the industry and a woman on the threshold of becoming an adult film producer, I hope to make a difference in the way women perceive these films. It is my hope that with the help and support of my peers and the cooperation of this committee, adult films may finally find their proper place in our society.

Thank you.

Senator SPECTER. Thank you very much, Ms. Seka.

Would you tell us just a little bit about your own career; how old you were when you started making the films?

Ms. SEKA. Approximately 24.

Senator SPECTER. And you have been in it for some 8 years, you say?

Ms. SEKA. Approximately 8 years, yes.

Senator SPECTER. And what kind of films do you make?

Ms. SEKA. Adult films.

Senator SPECTER. That is a broad gambit. What happens in the films?

Ms. SEKA. I am an actress. When I am asked to do a script, if I read the script and it is appropriate for me to do and I feel it is going to further my career, I accept the part.

Senator SPECTER. Are you familiar with the story of Ms. Linda Lovelace-Marciano?

Ms. SEKA. Yes, sir; I am.

Senator SPECTER. Would you say that her experience is unusual, atypical of women who appear in so-called adult films.

Ms. SEKA. As I stated earlier, I have never seen anyone coerced or forced to do anything that they did not want to do.

Senator SPECTER. You have testified that you are not degraded by pictures of women in varieties of positions and in varieties of activities.

Do you think that there is any basis for other women who do feel degraded by the way women are depicted in so many magazines and movies.

Ms. SEKA. No, sir, I do not feel that they should be degraded by that.

Senator SPECTER. Because quite a number of women have appeared and raised the contention that they believe it makes it more difficult for women to secure parity with men in the job market, difficulty for women to have equal standing on many lines of every day activity, renting apartments, getting credit, making loans, seeking advancement in jobs.

Ms. SEKA. I can only speak from my own personal experience. I have never had any trouble with those things. I have had no trouble obtaining credit cards, I have had no trouble obtaining loans, buying a home, job position.

Senator SPECTER. You say you received a request from a 9-year-old boy?

Ms. SEKA. Yes, sir.

Senator SPECTER. For a photograph where you were clothed?

Ms. SEKA. Yes, sir.

Senator SPECTER. Do you know how he happened to make that request?

Ms. SEKA. No, sir, I do not. I do not know where he got the information.

Senator SPECTER. How did you know he was 9?

Ms. SEKA. He told me he was 9.

Senator SPECTER. He told you that in the letter?

Ms. SEKA. Yes.

Senator SPECTER. How did the letter come to you, through the publication, through the magazine?

Ms. SEKA. No, sir, through my mail-order business.

Senator SPECTER. Through your what?

Ms. SEKA. Through my mail-order business.

Senator SPECTER. What kind of a mail-order business do you have, Ms. Seka, if I may ask?

Ms. SEKA. It is an adult mail-order business. I sell things such as posters, T-shirts, calendars, pens, key chains, novelty items.

Senator SPECTER. So apparently the 9-year-old boy saw a photo of you and then wrote to you and wanted another photo of you?

Ms. SEKA. Yes.

Senator SPECTER. Did you ever hear from the mother after you wrote the mother?

Ms. SEKA. No, I wish I had.

Senator SPECTER. How long ago did you answer the letter?

Ms. SEKA. I think I received the letter approximately 3 months ago.

Senator SPECTER. Well, you may get an answer yet. The mails are not too speedy.

Ms. Vera, let us turn to you at this point.

We appreciate your joining us here and look forward to your testimony.

STATEMENT OF VERONICA VERA

Ms. VERA. Thank you.

The following comparisons are based on my own experience in the production of sexually explicit materials. I consider myself very fortunate to be able to share them with this committee.

Myth. Women in pornography have unhappy childhoods.

Reality. I come from a very loving family. That core of love has always been my strength. I was raised as a Catholic, and while I do not practice that religion today—OK, I mean what I say, too. Excuse me.

I still feel that spiritual base. My family is aware of the nature of my work, and while they do not always understand what I do, we have always treated one another with love and respect.

Myth. Such women are all body and no brains.

Reality. I have always been in the top 5 to 10 percent of my class. In high school and college I edited the newspapers and yearbook. I was graduated with a BA in English.

Myth. Women in porn do not know how to do anything else to make a living.

Reality. Before writing in this medium and making sexually explicit movies, I traded stocks in Wall Street and was active in the oil business. Four years ago I decided to write or to forget my fantasy to become a writer. I telephoned a woman friend who edits a sexually explicit journal. I wrote and sold my first story. It was based on my own sexual experiences.

Supplementing my income with secretarial work, I began to write freelance for the men's magazines. Very quickly I learned that I could become a personality in this field if I chose to and not merely a faceless writer. I knew also that one day I would be faced with the decision of whether to make an X-rated film. There are a lot of opportunities for women in this business. A woman need not even take off her clothes. But I know many women, including myself, who have chosen to perform in a sexually explicit role. I have never met any woman who was participating in pornography because she was forced to by somebody else.

Myth. Making an X-rated movie is a sleazy experience.

Reality. I was petrified when I made my first X-rated film. I, too, had been brought up with all the myths about what a terrible experience the whole business would be. But now I was meeting people in the business. Actors and actresses, magazine editors and publishers, photographers, film directors and producers. These are mostly all dedicated hardworking people. People who take pride in their work, and are committed to making the product. I decided to take the next step, I would appear in an X-rated film entitled "Consenting Adults."

At first, I was not going to perform sex in the film. I would just cohost the film with Ms. Annie Sprinkle. But one day I just decided to jump into one of the sex scenes. It was a tremendously exciting experience. I felt more committed than ever to the film.

I have heard many other women say that they were amazed at their first actual encounters on an X-rated movie set. It is real moviemaking. There is a feeling of camaraderie and pride.

I have made several other movies and videotapes. Some of the videotapes have centered on fantasies of bondage and discipline. At no time have I ever worked with anyone, man or woman, who was not participating of his or her own free will.

My writing is my main source of income now and it is where I concentrate my energies but I would not rule out making more films or doing more modeling.

Myth. Pornography degrades women.

Reality. This is purely a subjective evaluation. Pornography concerns itself with the explicit depiction of sex. There are some people who are offended by what they consider a breach of intimacy. That does not make any of these aspects evil in themselves.

Personally, I find the shot in which a woman is photographed, spreading her legs wide open, to be a very overused, unimaginative image. I do not promote that image of myself. I create images that I like.

There are other women like me and Seka, who have discovered that we can assume more control over how we are presented. Women are writing, producing and directing films, publishing magazines. In short, we are expressing our views about erotica, and offering something different in the marketplace.

Myth. Women make very little money in comparison to all that is made from their bodies.

Reality. Wall Street has taught me that in any business this fact is true. It is the people who risk time and money who make money. It is the auto manufacturer and not the man on the assembly line who lives in a bigger house.

But the salaries paid adult film performers are certainly respectable, and women are "learning the ropes" of the sex industry. We are assuming positions of more financial control.

I speak not only for myself but for evey woman that I know in the sex industry. We do not see ourselves as victims. We do not need to hide in the shelter of being somebody's victim. We accept responsibility for our own lives. We cherish that responsibility. Do not make any laws to "protect us." We do not want them. Leave us our precious rights to choose.

Thank you.

Senator SPECTER. Thank you very much.

Are you familiar with the experiences as written by Linda Lovelace-Marciano?

Ms. VERA. I have read Ms. Lovelace's book.

Senator SPECTER. Do you think that her experiences are atypical, or unusual for women who appear in X-rated movies?

Ms. VERA. They have not been my experiences, and in reading Ms. Lovelace's book, I found that the villain in her book seemed to be the man she had chosen to be her lover at the time, and not the sex industry.

Senator SPECTER. And not what?

Ms. VERA. I do not think she put the sex industry as the villain. That is not what I got out of it.

Senator SPECTER. Well, I think you accurately say the man was her lover. As she recounts the incident, she says that she did it under coercion, she was not there voluntarily, and draws a broader generalization, which you disagree with, as I understand it, women are not coerced when they are in X-rated movies, as a rule?

Ms. VERA. I have never met a woman—and I have interviewed many women who have been involved in this business, besides being on the sets of films, and in a position to know, and I have never met one woman who was coerced into being—into participating. I have met quite a few women who were curious to know how they could go about being in an X-rated film.

Senator SPECTER. You say that the general characterization that women who are in X-rated films come from unhappy childhoods is contrary to your experience, or are you saying that you did not have an unhappy childhood?

Ms. **Vera**. Well, I think there are certain stereotypes that have been allowed to continue about women in this business, and about women who will show off their bodies. There are quite a few people in this country, and in the world, who think that for a person to show off their body is a degrading thing, and they must be forced into it, and if they were forced into it, then they must have been forced into it because they were weak to start with, and they were weak to start with because they had unhappy childhoods.

So if you go back to the fact about the unhappy childhood, you can begin to unravel that myth.

Senator **Specter**. The women you know in X-rated movies have had happy childhoods, did you have occasion to discuss that with others, or are you in a position to generalize about that?

Ms. **Vera**. I would not generalize about that. I think that it is very difficult raising a child, and that is a very relative thing.

I mean, one person can think they have had an unhappy childhood, but another person can say, well, I had something worse than you.

Senator **Specter**. Have you seen any minors, anyone at all, under 18, involved in any aspect of the production of X-rated movies?

Ms. **Vera**. No, I have not.

Senator **Specter**. Have you, Ms. Seka?

Ms. **Seka**. No, sir, I have not.

Senator **Specter**. What efforts are made, to the best of your knowledge, Ms. Vera, to be sure that minors to not participate in the production of X-rated movies?

Ms. **Vera**. Well, no one that I know of who is, say, in a position of responsibility, either photographing or making films, wants to do this. I do not know child pornographers. I know people who want to make erotic adult films, and precautions, I know—the precaution of a model release, but how binding, how precautionary can a model really be?

Some one can lie about their age, but I would say that the people that I know, if they even think there is a hint of someone being underage, they do not get involved with that person, because they are not interested in making child pornography.

Senator **Specter**. You would say that in the business of X-rated movies the people are very concerned not to be involved in child pornography, and that there is a general feeling that child pornography is something which is wrong to do?

Ms. **Vera**. I would say that, yes, sir.

Senator **Specter**. There is a depiction of you in what is called "Tight Bondage." I am sure you are familiar with this publication.

Ms. **Vera**. Yes. Well, no, excuse me, Senator, the publication is not called "Tight Bondage." I was asked by a magazine called "Adults Only", to model, and I do not do all that many modeling assignments, and I wanted to do one that would be special for me, so I have always wanted to explore the bondage fantasy, so I arranged for myself to be tied up by a very close friend, and to go through this fantasy, and I wrote an introductory paragraph, explaining what I thought that bondage fantasy was all about, explaining that I—it was a very exciting experience for me to explore it, and may I read it? It is very short.

Senator SPECTER. If you wish.

Ms. VERA. OK. And the photographs show me tied up in various ropes all over my body. Before we began this photo shoot I stood before the bathroom mirror and looked deep into my eyes. I remembered Betty Page, the most famous bondage model of the 1950's. What had she thought about before each session? Had she felt both calm and nervous, as I was feeling now? A big tear ran down my cheek, and with the release of that tear I began to understand. Submission comes from within.

These photographs would not exist before you if I had not wanted to submit to this side of myself, and to reveal that image to you. It was frightening, both mentally and physically. Each day I tried to be so in control of my life, to reveal this side of myself would leave me vulnerable, but this is the stuff dreams are made of. My dreams, anyway. And dreams must always be free.

Being captive and completely helpless is terrifying, is also extremely exciting. Trust is very important. I had complete trust in Annie and Patricia and Neal, the photographer and bondage specialist, and that made it possible for me to really explore this dark side of my fantasy.

I am the love toy, the object of your desire, exposed and vulnerable. Picture yourself tying the ropes, keeping me as your prisoner, ready to be taken whenever you want me. Always open to your—shall I do on?

Senator SPECTER. You certainly may.

Ms. VERA. Always open to [deleted]. The more you admire me, the more irresistible I become. Enjoy me, take pleasure from me, as you do, you will understand through the purity of my surrender, you have become my captive, too.

Senator, I am very concerned that there is a whole layer of guilt laid on people because of their fantasies. Women, I believe, should take responsibility for themselves, and lift some of this layer of guilt.

I do not want to be a victim, I do not want to be considered a victim. I think it makes people unhappy sexually, both men and women. I do not think men should have this layer of guilt laid on them, because they find pleasure looking at photographs, and I think we should be free to explore out fantasies.

Senator SPECTER. Ms. Vera, this publication that is captioned Veronica Vera in "Tight Bondage," is similar to ones where women who have come before this committee and have said that they are fearful that there will be a duplication of these pictures by many other women, who will be pressed in these positions against their will, and will be brutalized.

Do you think there is simply nothing to that kind of concern?

Ms. VERA. Well, Senator, I feel that there are many people who play at this, at bondage fantasies. I also feel that a woman has to be very careful about getting involved in any kind of sexual activity, with any person she gets involved with.

At the beginning of that statement I say that submission involves trust. I think that if you are in a situation where you know that you may be involved in sharing your body with someone, that you should know a little bit more about that person, or else you are at a slight disadvantage.

Senator SPECTER. Well, you are really at more than a slight disadvantage, as you are placed in these ropes. The cover picture is "Tight Bondage," with a lot of ropes around you.

Ms. VERA. Um-hmm.

Senator SPECTER. It is depicted that you are being squeezed, that you may not be being squeezed, but that is the picture, and then the balance of the pictures show you tied in a variety of positions, really very, as you say, very helpless, very much exposed.

Was this a painful experience for you, were you being squeezed, was it uncomfortable, at any point?

Ms. VERA. Well, it was slightly uncomfortable, but not unenjoyable. I think, getting back to the initial part of the question, I think that any woman who allows herself to be out in such a vulnerable position, by someone that she does not have extreme trust and knowledge of, is an idiot.

Senator SPECTER. She gets what she deserves?

Ms. VERA. That she gets what she deserves?

Senator SPECTER. That she gets what she deserves.

Ms. VERA. No.

Senator SPECTER. A law should not intercede to protect her?

Ms. VERA. Wait, let us back up a second. What sort of law?

Senator SPECTER. Well, that is the issue. The issue as framed in the Indianapolis ordinance would give a cause of action to the woman who is put in the positions that you are depicted in here, to sue the publisher. Do you think that is wrong?

Ms. VERA. Yes, I do. I think that it is wrong to deny that these fantasies exist. I have read studies that say that bondage fantasies, that rape fantasies, are prevalent in men, as well as women.

I think we should be allowed to understand these fantasies more, and maybe in understanding them we will overcome them more.

Senator SPECTER. Well, if you talk about bondage fantasies, the level of damage is not nearly as extensive as rape fantasies.

Would you think that depiction of a rape fantasy which might lead women to be raped would similarly be something that ought not to be in the protected ambit of the law?

Ms. VERA. I think rape fantasies are real fantasies that people have. I think they should be allowed to be explored. I think if we questioned everyone in this room, we would probably come out with more than—with quite a high percentage of people who have had rape fantasies sometimes in their lives. I think it is a very common fantasy, and I think that that is part of what the whole field of eroticism is about, exploring our fantasies.

Senator SPECTER. Well, how do you explore a rape fantasy in a magazine? We see how you explore a bondage fantasy. How do you explore a rape fantasy in a magazine?

Ms. VERA. Well, OK. This is hard work.

Well, magazines do simulate rape. I am not—I would never be a party to that without it being known that this is a simulation, that this is——

Senator SPECTER. You could simulate a rape fantasy in a movie. It is a little harder to do in a magazine. Are there movies which act out rape fantasies?

Ms. **Vera**. There are movies that act out just about everything.

Senator **Specter**. Are you personally familiar with one that has acted out a rape fantasy?

Ms. **Vera**. Well, I think movies, like—well, I could not say.

Ms. **Seka**. I think I know a movie that did show a rape scene, and I think that movie was called "Gone With the Wind." When Rhett Butler went racing up the stairs and brutally took Scarlet O'Hara. That has certainly a rape scene. That has been going on in movies for years, and years, and years.

Ms. **Vera**. Thank you.

Senator **Specter**. Is that the one where he leaves the next day, and the scene opens and she is smiling in bed?

Ms. **Seka**. And he said, "Frankly, Scarlet, I do not give a damn." After he raped her.

Senator **Specter**. Those are two different scenes, I think. I think he leaves on that occasion——

Ms. **Vera**. I beg your pardon, Senator.

Senator **Specter**. He leaves on that occasion, after she wants to go to Ashley Wilkes.

Ms. **Seka**. Exactly. Was it after?

Senator **Specter**. No, it is a lot before. The rape scene occurs——

Ms. **Seka**. But there was a simulation of a rape scene in that movie.

Senator **Specter**. Wait, wait—go ahead.

Ms. **Seka**. There was also a very heavy duty rape scene in "The Mailman," I think, with Jack Nicholson and—I cannot think of her name. "The Mailman Rings Twice." Jessica Lang.

The other evening I went to see a movie, "Body Double," Brian De Palma's new film, I thought it was going to be a horror movie, or terror movie. I was not horrified as I was by "Friday the Thirteenth," or movies of that nature. What I was horrified about was seeing an electric drill, about this long, put through the women's stomach while she was laying on the floor, after he ripped her clothes off of her, and took the drill and put it though her stomach and drilled it all the way through the floor into the ceiling in the downstairs room.

Senator **Specter**. Ms. Seka, a rape scene is different from a rape fantasy. As Ms. Vera has talked about being in this—in these publications, "Tight Bondage," she is expressing something she wanted to do, and it happens in real life, that women are raped. There is no question about that. And to the extent that there is a depiction of rape, that is something which happens in real life. It is something totally different to depict a rape fantasy, that someone wants to be raped, which is what is meant, as I understand it, by a rape fantasy.

And if you start talking about rape fantasies in the context that this is a common fantasy, as Ms. Vera testifies about it, then you raise an issue as to whether you are placing the idea in men across this country that it is a common fantasy in women, that they wish to be raped.

And that may be true, or it may not be true. I personally would tend to doubt it, but I do not know all the answers, and that is why the perspective which you women are giving are really different.

Ms. **Seka**. Well, I have seen more rape in mainstream theater and television than I have in the films that I have been in personally, in the some 8 years that I have been in the business.

Senator **Specter**. How about the question that we were exploring, as to it being a common fantasy, that women want to be raped? It is a common woman's fantasy that she wishes to be raped.

Ms. **Seka**. It is not my particular fantasy. I mean, I have thought about it. I have tried to look at it objectively, to see what the intrique is. I cannot say that there is not intrigue there. I am sure that there is. But it is not a paticular fantasy of mine.

Ms. **Vera**. Senator, when you say rape, and you say against the will, what I am saying is that there is a fantasy of being taken, of having a strong man, or a strong woman, take you as the love object. I do not think that when it gets down to actually without consent, that that should be promoted, or that is not what I am talking about.

Senator **Specter**. You are not talking about promoting a concept that there is the fantasy widespread on women that they want to be raped?

Ms. **Vera**. No, not that they want to be taken without consent. That is a horrible experience.

Senator **Specter**. How about women having a fantasy that they want to be in something like "Tight Bondage?"

Ms. **Vera**. But that still—but with consent type bondage, with knowing the person. I think—I do not think any women really has a fantasy of meeting up with someone who is going to rape and brutalize her.

Senator **Specter**. Ms. Vera, the problem arises, perhaps, at least as testified by some women, that these pictures cause men to put them in these positions, contrary to their will, that they do not like, and that Veronica Vera appearing in "Tight Bondage" is setting an example, which could cause a lot of women a lot of pain, and you do not seem to think that is true?

Ms. **Vera**. No, sir, I do not.

Senator **Specter**. OK. Well, it is very substantial difference of view from people who have appeared before this subcommittee.

We thank you very much.

Ms. **Seka**. Thank you.

Senator **Specter**. I appreciate your candor, and we do agree with you that it is not easy to explore these issues, and there are some difficult questions.

Thank you very much.

Ms. **Vera**. Thank you.

Senator **Specter**. I would like to now call on John Weston, counsel for the Adult Film Association of America, and Dr. John Money, professor of medical psychology, Johns Hopkins University.

Welcome, Mr. Weston and Dr. Money. We thank you for joining us.

Mr. Weston, we will begin with your testimony. Your full statement will be made a part of the record, and to the extent that you can summarize it, we would very much appreciate that. Leaving the maximum amount of time for questions and answers.

STATEMENTS OF A PANEL CONSISTING OF JOHN H. WESTON, COUNSEL, ADULT FILM ASSOCIATION OF AMERICA, BEVERLY HILLS, CA; AND JOHN MONEY, PH.D., PROFESSOR OF PSYCHOLOGY AND PEDIATRICS, THE JOHNS HOPKINS UNIVERSITY SCHOOL OF MEDICINE AND HOSPITAL, BALTIMORE, MD

Mr. WESTON. Thank you, Senator.

Obviously you have great experience with lawyers, in whose profession the term brief is obviously the greatest misnomer in the English language.

Senator SPECTER. That is why we have these lights, Mr. Weston.

Mr. WESTON. Perhaps I should refer to you, Mr. Chairman, as Mr. Chief Justice, the lights strike a responsive and familiar chord.

Senator SPECTER. When they go off in that tribunal, they are enforced. We do not do that here

Mr. WESTON. With respect to the particular legislation which is being considered, I take as the paradigm the Minneapolis legislation, which was, of course, twice vetoed, and which never went into effect, and the Indianapolis legislation, and I will make particular reference to the legislation as ultimately amended, which is presently pending before the U.S. district court judge in Minneapolis on motions for summary judgment.

At present, the legislation has been enjoined, and is not presently under enforcement.

Senator SPECTER. Was there a temporary restraining order issued by the Federal court in that case?

Mr. WESTON. Yes. There was, Your Honor, prior to the effective date of the ordinance.

Senator SPECTER. Was that contested by—opposed by the people defending the Indianapolis ordinance?

Mr. WESTON. I think it was contested, but not vigorously, in the sense that it was not a stipulated order, but it was generally understood that revolutionary legislation of this nature ought to be tested before going into excesses, possible excesses of litigation, both administratively and judicially.

With respect to the legislation, it seems to me that its present promulgation has been sponsored and motivated by two rather diverse groups. On the one hand, we have the traditional procensorship forces which have been active in this country in a rather decreasing numerical way for many, many years. Their opposition has been clearly stated in the past, both, I am sure, in this chamber and in others. Basically their opposition is to any explicit, or even not so explicit sexual material in the media, or disseminated under any circumstances.

Second, an additional motivation for this was spawned by women who are concerned about depictions of violence against women, in the media. And from this beginning, particularly because of the somewhat odd alliance with the traditional procensorship forces, the reach and scope of the concern of this original women's group expanded to all sexual depictions, rather than merely those containing violence, and I call to the committee's—or the subcommittee's attention, the actual language of the Indianapolis ordinance. The relevant portions are perhaps 75 or 80 words.

I will not read it now, because I assume the Chair is familiar with it. It may become relevant during many of the questions.

I would note, finally, with respect to the ordinance, that the proposed legislation has an actual, and almost immediate impact were it to be adopted, either locally or federally, on the reading and viewing habits of literally scores and scores, of millions of Americans.

We are not talking perhaps about nine perverts who went to see "Deep Throat," each 100,000 times. We are talking literally about millions and millions of people, and this is made particularly true because the language of the amended Indianapolis ordinance applies not only to pictorial material, but also to mere verbal material, and I simply quote, "whether in pictures or in words," and that is rather interesting, because that verbal language, in terms of the inclusion of the mere verbal descriptions was added to the legislation in the amended form, long after the initial form was passed, without reference to mere verbal terms.

Now, the Indianapolis legislation is clearly unconstitutional on its face under present law. It regulates sexual expression, and the regulation of such legislation must be measured against the tripartite constitutional standards first enunciated by the U.S. Supreme Court in a quintet of cases best known under the heading of *Miller* v. *California* which was first handed down in June of 1973. There is a tri-partite test under *Miller* which is set forth in I.C. of my material.

The courts, since 1973, almost without exception, have required that the *Miller* standard be adhered to almost without deviation, and that has been true, with the exception of one or two very, very limited circumstances, one or two which were addressed this morning in the colloquy between the Chair and Mr. Goldstein, and I assume that I will be asked some questions about it, in terms of child pornography, which the Court addressed in the *Ferber* decision.

The second example was in the case of *Young* v. *American Mini Theaters*, which was a case which I was privileged to argue before the U.S. Supreme Court, and of course, substantiated and sustained very rigid regulations on the use of content-based zoning criteria, where the Court disperses zoning in terms of time, place and manner of the regulation, and which was not in any sense a prohibition of the materials of any kind which could or could not be disseminated.

And lastly, the specific case involving George Carlin and the "Seven Dirty Words," which obviously was handed down under the rubric of the FCC latitude that it in fact had the potential of reaching minors, and other unwilling individuals.

Unquestionably, the Indianapolis legislation greatly exceeds the scope of *Miller*. The Indianapolis legislation is hopelessly vague, as I will summarize at the conclusion of my remarks, it is impossible to understand, there is absolutely no limit to the reach of this legislation, and it would be an absolutely hopeless standard for law enforcement, police officers, for administrative agents, for anybody to utilize, and to try to enforce. It fails to permit persons to conform their conduct to the requirements of the law. It encourages arbitrary and erratic enforcement.

The standard is so vague that it is really no standard at all, and I guess, in the last analysis, as one who makes his home in Los Angeles, I am particularly concerned because the motion picture, and video cassette and really print industry simply could not function with this nonstandard.

Calling this legislation antidiscrimination legislation, unfortunately, acquires no particular additional exemption from first amendment standards. There is nothing talismanic in the law of our Constitution's first amendment protection, and it is simply one more of the attempts over the years by the procensorship forces to avoid the first amendment's scrutiny, by calling legislation something else, whether it be public nuisance legislation, whether it be criminal liable legislation, or today, antidiscriminatory legislation.

The legislation is both over inclusive and under inclusive in a constitutional sense. It is under inclusive because, obviously, in a rather craven attempt to avoid focusing on materials which are most—I suppose, at least in common conception, consumed by the American public, those released by the general release Hollywood motion picture production and distribution companies, it totally exempts from its scope the much better, much bigger financed and produced materials put out by Hollywood, and distributed nationwide, which have much more graphic violence, and which eschew sex as an element of it.

Therefore, a film like "The Texas Chain Saw Massacre," which obviously was an independent production, which was widely distributed, nationwide, had virtually, if not totally, no nudity and no sexual activity whatsoever. It merely took people and severed them with a chain saw.

Now, this material is totally exempted, not touched, under the Indianapolis legislation.

Mr. Goldstein, Ms. Seka, and Ms. Vera mentioned, and I think quite accurately, the vast numbers of additional materials including "Friday the Thirteenth," "Halloween"—the list is endless—"Dressed to Kill," all of which would be exempted from this legislation, and which featured extraordinarily more vivid scenes of violence, violence toward women, and with the kind of greater impact than could ever be found in the sexually oriented motion picture industry.

The reason I say this, Senator, is really manifold. On the one hand, although there have been extraordinary strides made in recent years, by producers of adult films, certainly these are not people with the long experience, talent, funding, and equipment of mainstream multimillion dollar Hollywood corporations. So that the product they turn out is simply not as graphic, not as vivid, not as realistic, not as compelling in any way as what comes out of the Hollywood dream factories.

Second, because, as we well know, so much of America's thinking over the years, and certainly the last 30 or 40 years, has been shaped in many ways by the major celluloid dream factories, there is a legitimacy which mainstream product has, which when further shown at the local Bijou, let America's people know that this is really what is OK in the world, in a sense.

And the degree to which adult films continue to enjoy some acceptance, is certainly nowhere near the extent to which mainstream product has this legitimacy and sense of impact on the American public.

Now, I leave to Dr. Money, and I would seriously argue the notion of any sort of nexus between what is on the screen and what sort of behavior there is, but I am simply attacking the ordinance in terms of the assumptions made by its proponents.

With respect to over inclusiveness, the Indianapolis legislation, as drawn, reaches extraordinary quantities of material which have nothing to do whatsoever with violence or with any objective sense or reach of what would be material that would be violently directed toward either women, I suppose, or as the Chair has expressed great concern about, children.

So it is both under inclusive and over inclusive. Just parenthetically, with respect to "Gone With the Wind," I think the Chair was correct that the rape scene in "Gone With the Wind" did occur in the middle of the book, when Rhett Butler was tired of being kicked out of his own bedroon, he walked down that stairway, down which I suppose many women would like to go on their wedding day, kicked open the door, and said, "Scarlet, you will sleep with your husband tonight," and in fact, coerced her into having sexual intercourse, and of course, even most offensive to the women's group, such as their positions are, is that in the morning Scarlet was absolutely certain that this forced coerced sex by her husband had saved their marriage.

Now things were going to be better. She had seen the light, and the two of them are going to be a happy couple thereafter.

Unquestionably, under the Indianapolis ordinance, "Gone with the Wind" would be subject to the reach of the ordinance, and it would be so because there is no requirement under this legislation that the material be taken as an entirely. In fact, that is a specific provision in the legislation, that isolated incidents may give rise to the kinds of causes of action.

Briefly——

Senator SPECTER. Before you go on, Mr. Weston, I am not sure you are right about that, or am I sure that you are wrong about that. But as I recall the movie, from a long time ago, he kicks the door in, and the next scene Scarlet is arising, inferrentially the next morning, smiling. We do not know what happens in between.

Mr. WESTON. The book makes it clear, sir. Margaret Mitchell had more freedom, I guess, than Mr. Selznick.

Senator SPECTER. Well, I do not recall——

Mr. WESTON. I went back and checked it, if that helps the chairman.

Senator SPECTER. The movie line, the movie line leaves the evidence in equipoise, we do not know what happened.

Mr. WESTON. You are absolutely right, sir, they might have played backgammon.

Senator SPECTER. She may have changed her mind. Lots of things could have happened between the time he kicked open the door and she is depicted awaking the next morning.

Mr. WESTON. I suspect, sir, that if we were to take a poll——

Senator SPECTER. You have defended a lot of cases. I prosecuted a few. There just is not any evidence there.

Mr. WESTON. Yes, and as I recall, most prosecutors love to utilize presumptions, and the presumption would favorably be, in this case, I am sure, if we were to take a poll of every person walking out of that theater, in 1984, or in 1937, or in 1938, and we were to ask them what went on in that bedroom, I am not a betting man, but I would sure wager the pink slip to my automobile.

Senator SPECTER. It would not matter what they thought. Presumptions do not go to the hard evidence of establishing guilt.

What was the last point, Mr. Weston, you were coming to?

Mr. WESTON. I would say two brief things. One, that the data offered in support of the assertion of the relationship between media depictions and conduct is extraordinarily inconclusive.

The evidence, such as it is, which is offered, is basically limited to two studies, which are extraordinarily inconclusive, have never been subjected even to cross examination, or up until recently, rather severe criticism from the people who are trained in the disciplines, and really the conclusions being drawn have obviously been rejected by the proposed authors of the studies themselves.

Senator SPECTER. Let us come back then, Mr. Weston, to that, because I do want to ask you some questions about it, but let us hear from Dr. Money, to get his basic points on the record.

STATEMENT OF JOHN MONEY

Dr. MONEY. I am speaking today, in part, because I founded the Special Clinic for the Treatment of Sex Offenders at the John Hopkins. The first treatment was given in 1966.

May I say also that I have written a longer statement, and I am going to give a couple of additional brief statements here, in the interest of time.

Senator SPECTER. Thank you, Dr. Money. Your full statement will be made a part of the record.

Dr. MONEY. Thank you.

First, I am going to address myself to the fact that pornography can, in certain instances, actually prevent antisocial behavior. That is the exact opposite of what, as a society, we have been used to for the last, nearly two and a half centuries.

For what we assume, most of the time, as a society, about explicit erotica, also known as pornography, is that it is socially contagious, and that you catch the disease from books and film, especially picture books and movies, whereas formerly it used to be from written accounts.

There has, however, never been any proof whatsoever that the social contagion theory of pornography is true. It was invented in 1758 by a Swiss doctor, Simon Andre' Tissot, and it was invented because medicine had no theory to explain the social and individual ills of humankind, since it had then lost the theory of demon possession, which went away with the Inquisition.

The two great causes in social contagion theory, which was part of an even greater degree of degeneracy, were that you could degenerate yourself by losing the vital fluids from the sexual organs, and you could degenerate yourself by losing moral control of your erotic emotions. The word used was concupiscence, which meant sexual imagery of any type, including that which occurs in dreams, or could occur from presentations in verbal or pictorial material.

Now, I will give an example, since an example often hits the nail on the head so much easier, than does statistical generalization. Here is a case of a boy who was seen in the clinic, at age 19. Ever since he was 3 he has struggled with his own erotic fantasy of violence, in which the orgasm of the sexual experience could be achieved only in the context of doing something extremely violent.

And what he did, since he was protected from exposure to any kind of explicit sexual material whatsoever during his childhood, where he grew up in a very devout Christian family, in which there was in fact not even any elementary sex education—what he did in struggling with the development of his own puberty—and I must emphasize this point, it did not happen in a man who had read hundreds of magazines, it happened in a boy of 13, which it always does, trying to encounter for the first time what nature was providing him with, in the form of hormonal maturity.

What he did was to take either pictures from catalogues, any kind of pictures of good looking young people, and sometimes photographs that he had taken himself, on his own camera; and then he would take a sheet of transparent acetate, superimpose it over the image that he had obtained from the book or the camera, and with colored felt pencils, would then add all of the superimposed marks of cuts, and bleedings, and amputations, and killing that made the fantasy become erotic, and successful for him.

And he did all of this because he did not want to carry out any of these sadistic and mutilating acts in real life. He was extremely divided against himself, which is a very common feature in people who are turned on by these bizarre fantasies—the ones that are so often objected to, should I say, in the published magazines, and which appeal only to people like this boy, not to ordinary normal people. He was so divided against himself that he actually had another name for himself when he was going through this sexual ritual.

And he considered himself almost as the good boy, with the one name, and the bad boy with the other name. When the time came, by age 19, that he could not contain this fantasy in pictorial form any more, he called a neighbor next door, to warn them that he had the fantasy about wanting to kill their young child, and become reincarnated as that child, in his fantasy. He wanted somebody to do something about it, in particular, to take him to the police. That was the way in which he eventually came for treatment.

This is not too typical a case, although it is a very good and illustrative one, and it does illustrate the way in which, even without published materials, a boy can design his own erotica, his own pornography, in order to prevent the action that otherwise might take place.

The second point that I would like to address myself to is that, in spite of the widespread public belief in this country, in particular, since the enactment of the Comstock laws, 1873—although it does precede that—there has really never been any cumulative evidence, if I may repeat myself, that pornography itself induces sexual violence.

There is, by contrast, a great deal of evidence that, shall I call it normal pornography, of ordinary boy-girl relationships of an explicit sexual type, has never induced sexual violence in normal people.

Conversely, there is evidence that people do not have that abnormal kind of imagery potential in their minds unless they already grew up, from childhood to develop a disposition to some bizarre or kinky or abnormal sex—or in the terminology of the law, perverted, or in biomedical terminology, paraphilic pornography. Looking at hundreds of picture books, or dozens of films, portraying particular kinds of abnormal pornography, such as a bondage fantasy, or a rape fantasy, does not enable them to catch that particular fantasy by social or pictorial contagion.

There are some occasions when one reads of social contagion in the media, because the journalists who are reporting it pick up on the traditions that they also are heirs to in our society. They blame a particularly problematic kind of sexual behaviour, such as that involving violence, or involving young children, on looking at pornographic pictures, or reading pornography.

There are even some people who will follow the lead of the public declarations, and themselves say that they committed a sex offense, because they saw something on television. But when you get such a person in the clinic, and get more details about especially the history of their erotic fantasies, you find out that what they are doing is using an alibi. They are blaming the television show for something that had been in their minds for a very long time, back into their teenage——

Senator **Specter**. Dr. Money, let me ask you a question at this point.

There is a book which has been sold in the bookstores in Philadelphia, "How to Have Sex With Kids", perhaps you have seen it, have you?

Dr. **Money**. No, I have not seen that.

Senator **Specter**. It is a book which describes how a pedophile would meet a child, how a pedophile would develop a relationship with a child, how a pedophile would entice the child into a sexual relationship.

My question to you is, do you think, in your professional judgment, with your experience, that that kind of a book would have absolutely no effect on a pedophile, in inducing him to act out what he reads in that book, "How to Have Sex with Kids"?

Dr. **Money**. First, I may point out that a pedophile has to already be a pedophile—and he is one, or she is one, because from the age of puberty onward it has been impossible for that person to get a mental self-image of being an adult person.

Erotically, that person stays as a child, and that is what a pedophile is. Therefore, a suitable partner is too young, relative to the older person's chronological age.

All of the pedophiles that I have seen, who come in for treatment in the clinic, did not need a book on how to make pickups of the children, because their own imaginations had developed it all for them. Whether or not they might learn the address of a particular city, or a particular country, where it is easy to make pickups, is another question, and, yes, indeed, perhaps they might be able to learn that from a book, if they had not had any other source.

Senator **Specter**. Well, would not the book really put sort of a Goodhousekeeping Seal of Approval on the book?

If you see in the book, in black and white, how to pick up a child, and how to have sex with a child, does it not say to the pedophile that it is not something bad to do? It would not be in print, it would not be sold in this bookstore.

Dr. **Money**. If a pedophile had that attitude, it would have existed from his contact with other pedophiles, that he would have met in society. There is a possibility that there would be an odd person here and there, who would make his first contact with the book; but my general impression is that a book of that sort is something which any pedophile would immediately recognize. It has been put out by a group of his own kind.

Senator **Specter**. Dr. Money, when we talk about pedophiles as a class, those who seek to have sex with children, there must be, or at least I would think, not being a student of a great many case studies, that there is a wide range of people with these inclinations, some more established pedophilia than others, but are there not some at various stages in the spectrum, who would be motivated by a book on how to have sex with kids, who would be more likely to be activated, triggered by such a book, than if they had not seen such a book?

Dr. **Money**. No, I do not think they would be activated or triggered. They might accept it as an endorsement by others of their own pedophilia.

Senator **Specter**. The Goodhousekeeping Seal of Approval. It is OK to do?

Dr. **Money**. Perhaps yes, but they would know that they were pedophiles, especially in the case of males, at the time of their first wet dream, because that would be the content of the dream. So they do not need to learn it from a book.

Senator **Specter**. You describe pedophilia as something which is black and white, open and shut, no gradations, they know it, or they do not. They are, or they are not.

Are there not people in the gray area, who have tendencies?

Dr. **Money**. One of the remarkable things about these paraphilic conditions which are true medical syndromes, is their extraordinary specificity, and there is little deterioration, and there is little crossing of boundary lines.

Senator **Specter**. You testified, Dr. Money, that there is no evidence that it would happen in normal people, and Mr. Weston comments about 9 percent.

There is a dispute as to whether these materials cause, or do not cause sexual antisocial sexual behavior.

You generally have testified that you think that they do not. Some people disagree with that.

If you accept the proposition that there is some cause and effect, there is another level that you come to, as to how many people have to be affected, if you are going to affect 9 percent out of 230 million people, then we are not going to establish laws which are going to regulate the conduct of a great many people.

But, how many people have to be affected by it, as a matter of cause and effect, Mr. Weston, before the law is properly fashioned to provide some restraint or remedy?

Mr. **Weston**. I think it is a very reasonable and perceptive question, Senator.

I would suggest the following: one, I think it depends on some sense what we are regulating. If, for example, as you asked Mr. Goldstein, we could show that a particular picture caused some great harm, which was within the appropriate realm of legislative power and duty, it seems to me, are we talking about a particular photograph, on which experts could agree, and then the Congress, in its wisdom, would accept the recommendation of the experts, or are we talking about some broad spread, potentially undefined class of photographs?

Senator **Specter**. Let us take the book, "How to Have Sex With Kids." There is such a book, and there may be a dispute as to—that may be less subject of dispute than other materials, than other pictures, but let us assume that Congress were to find that this book, "How to Have Sex With Kids," triggers, or causes some people to have sex with kids.

Now, the next question would be—before we get to the first amendment issue—how many people have to be triggered in that effect? Are there nine perverts, as you put it?

Mr. **Weston**. If I may, just with respect to that. When I said nine perverts, I was simply paraphrasing the arguments made by the censorship people, in the face or overwhelming evidence of consumer consumption or consumer patronage of sexually oriented materials.

It really came almost verbatim from a forum, or television show, in which I pointed out the statistics for Los Angeles of people who had seen the film, "Deep Throat." It was almost 1 million people, and the response of the censorship group's representative was, "that just goes to show that a few people go to see it many, many times."

And I turned it around, "yes, seven perverts went to see it 100,000 times each." My point is, not that perverts go to see this material, quite the opposite; the people who are consumers of what I would call mainstream adult material, erotica, are middle class, basically general, normal, nonperverted people, and that seems to be what all the statistics reveal.

Senator **Specter**. Those people are not going to pick up a book, "How to Have Sex With Kids." It is not going to be of any interest to them.

Mr. **Weston**. I would think not, in all likelihood. Although if they are parents, they might pick up that book, so that they could learn, and do certain things, prophylactically, to avoid what that book is talking about.

Senator **Specter**. If they are parents, all right.

Mr. **Weston**. Now, with respect to the question of putting first amendment issues aside, I would suggest this. It seems to me that there ought to be some consistency in our society, although I do not know why that should be, because it does not seem to be, but let us talk about the degree of harm necessary to galvanize the Congress.

I do not think there is anybody in this country today who is not either in the direct employ, or other sphere of influence of the tobacco industry, who is not absolutely persuaded that there is a demonstrable nexus between smoking cigarettes, or being exposed in-voluntarily to cigarette smoke and cardiopulmonary vascular injury, as well as the fire problems caused directly by careless cigarette smokers.

Nonetheless, how do we, as a Nation, deal with that problem?

No. 1, congressionally we continue to sponsor extraordinary subsidies for the tobacco industry.

No. 2, despite the fact that the Surgeon General has required strong statements on smoking materials and advertisements that is all that we require: more speech. Our antidote to smoking is to have warnings placed on cigarettes, and on advertisements, saying this may be harmful to your health.

Senator SPECTER. The subsidies are dwindling. When we get rid of subsidies for tobacco, do you suggest that we then revisit obscenity?

Mr. WESTON. I suppose we could address that, but I am trying to address——

Senator SPECTER. You want us to do first things first?

Mr. WESTON. It seems to me that in terms of numbers, the Senator's question to me was how many numbers of people must be affected before we act.

Well, I do not know immediately the statistics on the number of people who died of lung cancer this year, directly attributable to smoking, but I would suggest that it is well into the fifty or hundreds of thousands. I do not know the exact statistics on the amount of money lost from fire damages because American cigarettes do not have a retardant element in those cigarettes to keep them from continuing to burn when they are not being puffed.

Now, the Congress has had all of this evidence, for 10 or 15 years, and we have had virtually no significant action, in terms of barring this conduct, despite the fact that hundreds of thousands of people have died or been killed, and hundreds of millions of dollars have been spent in direct Government medical payments for the treatment of tobacco-caused illnesses and injuries.

So, if you were to ask how many people have to be impacted, I would analogize, for starters, to how the Congress has dealt with the cigarette industry, as well as many other industries, for an answer.

Senator SPECTER. Mr. Weston, there are many reasons for congressional inactivity and I think our level of inactivity on one thing may not be compelling on our level of inactivity on another.

Let me change subjects because we are going to have to draw to a close in a few moments.

On the antidiscrimination statute, to pick up a thread of your testimony that there is no advance on the Indianapolis approach or the Minneapolis statute?

Mr. WESTON. What was the word?

Senator SPECTER. Advance; no significance by placing an umbrella of antidiscrimination. Let us explore that for a minute or two because I am not so sure that you are right about that. And in these lines we do not know where the law is going to go as you have a balancing test on very important constitutional issues.

But there are—there is a substantial body of thought which is increasing in the women's movement today that women as a class are being prejudiced because these magazines, these women who appear in these movies, which appear to hold women as a class to a degrading status in our society and result in very severe losses on the economic level of obtaining jobs.

Now, my question to you is: Is there anything to that theory? Can it get bad enough so that that would be a weighty factor to deal with the first amendment issue on the other side of the scale?

Mr. WESTON. Senator, I am not a scientist. It would be very difficult for me to evaluate that from a purely empirical——

Dr. MONEY. May I make a comment?

I would say there is absolutely no evidence whatever in favor of that hypothesis—and it is a hypothesis that is derived from this old historical theory of social contagion. The problem with all socioscience on the explicit visual representation or verbal representation of sexual or pornographic things is that they are done in a laboratory. They are never put to a real life test. And, then, responses that, usually, students in the experiment make after they have been exposed to certain visual materials are interpolated from answers on questionnaire sheets into real life. The fact is that there have been no studies of what actually happens in real life. And, unfortunately, society has been so apprehensive on this issue that it has not supplied any research money for us to get some really solid answers. So the best answers do come, as I have been explaining them, from clinics where you get live histories recorded and in detail and substantiated.

Senator SPECTER. Dr. Money, you may not be right about the lack of evidence and I know you do not use evidence in a highly technical sense, but women come into this hearing room and they say we have gone out onto the job market and we cannot get jobs because men look at us as sex objects. And after we get jobs, we are the victims of sexual abuse on the job and men make advances toward us and touch us in unseemly ways and stifle our progress up the corporate ladder because of the relationship as to the way men see women in our society, which is induced to a significant extent by these books and magazines and movies.

Dr. MONEY. Well, I think the main point there, and since I do not need to disagree with the first part of what you quoted, I do not need to disagree with anything that they have said in that either, they may well be true. But I think the part that is absolutely open to objection is that it is all caused by what men see in movies or read in books. I do not think there is one iota of substantial evidence for that because they are meeting part of a historical process which, maybe anybody with any sense knows, since the time of the ancient Romans, if not before, has allowed women to be very secondary to men in their relationships with society, in the society that we live in. Women have always been second-class citizens and that is what they are legitimately complaining about. And I have 100-percent sympathy with them and I would like to see it taken care of.

But we are not going to see it done with laws against pornographic books. It is a much bigger issue.

Mr. WESTON. It is a fascinating issue to me, Senator. I would assume that much as Alvin Toffler noted that of all the inventions made, 99 percent of them have been invented in the last 10 years, given the media expansion that 99 percent of all pornography that has ever existed, has been created and disseminated in the last 10 or 15 years. It is a curious parallel, is it not, that that same period also marks the most extraordinary growth period for women's emancipation, that which saw women's emergence from this type of second-class citizenship to which Dr. Money referred. My guess is that there is a very direct relationship between the kind of freedom which has certainly permitted the media expression of sexual interest and sexual exploitation both at the consumption level and at the production level. These same societal forces have fostered increases in the same kind of judicial and societal tolerance for vast other changes in terms of women being able to be treated other than as homemakers and instead as women capable of and entitled to have independent lives which are not governed by the four corners of residence, husband's desires and parental expectations.

Senator SPECTER. Well, the women disagree with the judgment, those who have testified here, they might fall back in the face of Dr. Money's professional standing to say that the books do not do them any good, it is not helping them any.

Dr. MONEY. I would have to answer back that criminalizing those books is going to make women's own personal sexuality even more unsuccessful and second rate than has been the case in the past.

Senator SPECTER. Well, you may not criminalize them but you make them subject to some civil remedy.

Dr. MONEY. All right.

What I would like to see is that, as a society, we address ourselves to bringing up a new generation of children who are not heirs to these sometimes grave errors of imagery. And I do not see that we are addressing ourselves to prevention at all. If we had all children growing up with normal boy-girl imagery, in what I have called the lovemaps in their heads, there would be no audience for paraphilic types of material.

Senator SPECTER. How do you suggest we do that?

Dr. MONEY. I have written a book about it. I will probably write another one, too.

One of the things—a very important thing—is that we should not be so extremely child abusive toward our children's sexuality. Parents who are never abusive under any circumstances will suddenly become so as soon as they see them doing something, or indicating that they are seeing anything sexually normal.

Senator SPECTER. That brings up the last question that I intended to ask you and that is: The surge of public awareness, child abuse now. We are seeing the situations unfold on the *Manhattan Beach* case in California and the Bronx and all over our country and the very different nature of the materials as Mr. Goldstein testified about what was so different in 1969. And I recall the first books that I saw as an assistant district attorney in 1959, 25 years ago and the sense that I had, just speculation that there is more child abuse now than before. Certainly there has always been child abuse and a lot of it has been swept under the rug. But I have a sense that there is more and I have a speculation that the proliferation of materials has something to do with it. I have a hunch you will disagree but I would like your thought.

Dr. MONEY. I coedited and partly wrote a book called "Traumatic Abuse and Neglect of Children at Home." One of the important chapters was written by my co-editor, Dr. Gertrude Williams in St. Louis, in which she did a historical study of society's awareness of child abuse. It was uncovered in a big way in New York in 1874 and there was a flurry of attention given to the nature of child abuse, the vicious cruelty of it and the possible prevention of it. But that flurry of interest lasted for about 10 years and then the whole history of child abuse was put under the rug until Dr. Kemp in Colorado opened the Pandora's box again, and then we found out what we had been hiding for nearly 90 years.

So I take a lesson from many other instances in the medical field which is that, as soon as a new disease is discovered, or there is a new cure for a disease, the number of cases that present in the clinic suddenly multiplies unbelievably and one says where have they all been in the meantime?

I think that is probably the wisest way for us to think about child abuse and sexual child abuse at the present time. Not that it has changed in frequency, but that our urgency to ascertain it and do something about it has now changed and so we are doing something about it.

Senator SPECTER. Anything you would care to add, Mr. Weston?

Mr. WESTON. I would simply suggest, and I appreciate the opportunity, that with respect to your question about the number of people that had to be affected before we legislated, you suggested that we leave the first amendment issues aside for the moment. I think we must briefly focus on those issues now, keeping in mind that in many ways what we are really talking about are merely unproven assertions. And really I think from my point of view, and I do not mean to appear insensitive about it, but just as an intellectual matter these are rather fantastic assertions on the part of a small number of women who have come before this body representing, I am not sure who or how many others, to say that all of their problems in terms of reaching higher and higher toward appropriate and laudatory goals are directly attributable to media depictions of women in a way that they, the speakers, do not like.

It seems to me that is an extraordinarily fantastic assertion, No. 1.

No. 2, that what it ends up to be appears in the words of a Los Angeles County councilman who questioned me on the subject, he said: "Ought we not to do something if people are offended by something in the media?"

It seems to me the answer to that question is yes, we already do.

Perhaps as President Reagan said, people can vote with their feet. It seems to me that people who are offended by material need not watch it, need not view it. And that is the nature of the way that we deal with materials that people do not like. Issues of sexuality and how people relate to themselves and so forth in this most intimate and private and least honest public emotion are very hidden. I would imagine that the dichotomy between what people say and what they really think and do is probably greater with respect to sexuality than almost anything else and I say that after 15 years of picking juries and getting a sense of that public-private dichotomy around the country.

Senator SPECTER. I have seen your legal work and it is very extensive, Mr. Weston.

Mr. **Weston**. If I might finish.

It is much too important to give Government, whether it be in the civil capacity or in the criminal capacity the power to regulate speech and to decide what sexual expression is good or bad. The proper remedy for bad speech is now more than ever what it has been in the past: Good speech. If people disagree, then let them put their position across. If people do not like a particular depiction, then challenge that with a depiction or a representation which they like.

I would suggest in closing two things. It would seem to me that if we accept that "Mein Kampf" was probably the second book in history in terms of harm caused directly attributable to it, I think unquestionably we would have to say that various Bibles were No. 1, that more people have been killed or maimed or discriminated against in the name of a Bible or religious tract of one sect or another, inspiring its followers to discriminate against, to war against, and ultimately to take the lives of persons who did not follow the teachings of that particular book. The examples are legion, going back to prehistoric times to the time of the modern history, back to the Middle Ages and the Inquisition and all the way up to the present day. To take the notion that we deal with materials of that importance by banning them, is absolutely, it seems to me anathema to what our system is and must be in a nation of 250 million people of diverse and pluralistic values. We cannot in the words of the Supreme Court do anything but leave the door to repression tightly closed. We must not open that in the interest of some short-term position taken on extraordinarily minimal and unchallenged data in order to vindicate some particular issue. It is too important and it is too dangerous a policy to initiate.

This piece of legislation, and I summarize in four sentences, is semantical gobblydegook, is fraudently conceived and advocated, is in my judgment erosive of much more important values than are being talked about, even assuming granting the assumptions of its proponents and, lastly, would be extraordinarily invasive of the reading and viewing habits of scores and scores of millions of Americans.

I thank you for your courtesy, Senator.

Dr. **Money**. My brief summing up is to turn to the handbook on pedophiles in Philadelphia and to say if every copy could be destroyed, or indeed if if had never been printed, the number of little boys growing up to reach puberty, to be pedophiles—and teenage girls also—would not change by one. And the number of pedophilic relations that are existent in the world would not change by one.

What I would like to see the Congress do now that it is addressing itself to this problem is to address itself to the issue of prevention and to be very serious about what we as a society may do to prevent the development of bizarre and kinky sexual fantasies because they not only hurt and offend society, but they are extremely miserable syndromes to have if you are the person who has one of them.

Senator **Specter**. Do you have a capsule suggestion or should we read your book or look for your next one?

Dr. **Money**. I think the suggestion would be to have a top level task force that would recommend the most likely outcome of the spending of money on research and who would be the correct authorities—I presume at the National Institute of Health—to be able to undertake this very directed onslaught on a problem which is now totally neglected.

I made some ascertainment that in all of North America and in all of Europe there is not a single clinic in any university hospital or any children's hospital, not a single clinic that is given over especially to the study of the development of sexual and erotic health in children. It is the only branch of children's health and children's development that we deliberately close our eyes to. We have multimillion dollar machines to look into their lungs and kidneys and every other part of their body and we deliberately decide not to find out if they are growing up sexually healthy or not.

Senator SPECTER. Dr. Money, what happened to the young man whom you described and finally got into therapy as a result of his communication with his neighbor.

Dr. MONEY. The first thing he experienced was relief that two people trained in sexual medicine had listened to him tell what his fantasy was.

Senator SPECTER. Did you treat the young man?

Dr. MONEY. Yes, and we treated him with a program that combines sexual psychological counseling and—the thing that helps immensely is to give, for at least 2 or 3 years, treatment also with a hormone that weakens the sexual response because it imitates testosterone but it does not have its same physiological power. So it gives the young man 2 or 3 years of vacation from his own sex drive while he gets his mind together.

[The prepared statement of Dr. Money follows:]

PREPARED STATEMENT OF JOHN MONEY

Women's vs. Men's Pornography

In America today, there are two markets for pornography. One is for women, and one is for men. Women's pornograhpy is true-confessions and romance magazines and paperbacks. For erotic turn-on, women's pornography depends upon the skin senses and tactile imagery. It involves the genitalia and their erotic feelings indirectly by implication and innuendo.

By contrast, men's pornography is marketed as picture books, films and videotapes. For erotic turn-on, it depends upon the eyes and visual imagery. It involves the genitalia and their erotic feelings directly, explicity and visually. Men's pornography is, in many instances, considered illegal, whereas women's pornography is never illegal.

The split between women's and men's pornography, tactile and visual, respectively, is deeply imbedded in nature's scheme of things for the reproduction of the species. Nature designed the four-legged mammals so that the male's turn-on as a breeding partner is awakened by the vaginal odor of the female in heat. In human beings, by contrast, as in the other primates, nature has designed the male to be turned-on not through the nose, but the eyes.

In order to be able to reproduce the human species, nature requires that the male becomes erotically aroused or turned-on by something that he sees. He then makes an erotic advance to the female who, by contrast, awaits to be turned-on predominantly through the sense of touch, as in hugging, cuddling and kissing, leading to the consummation of genital union.

There are millions of American women who are unaware of this basic biological difference between men and women. In consequence, they completely misjudge their lovers, as well as their husbands and sons, and condemn them for their natural erotic and sexual dependency on what their eyes see. Such women condemn their men-folk (partners and sons) as pornographic. Their idealized male is an erotic wimp, deprived of erotic initiative.

The majority of American boys have, of course, grown up to be not wimps, but normal. Normal American men are able to respond to normal and healthy pictorial representations of sex in a normal and healthy way. They have a normal and healthy erotic relationship with their normal and healthy partners. Such couples are able to appreciate explicit depiction of normal erotica, as in a movie or videotape, because it enhances their sex lives and tells them the truth about themselves.

Normal and Abnormal Pornography

In the judgment of normal men and women there are two kinds of pornography, normal and abnormal. Normal pornography should not even be called pornography, but explicit sex or explicit erotica. It is the kind of sex that normal people have when they make love and copulate. Sex depicted in this way is not harmful. It may be a form of art or entertainment, for some people, and it almost certainly is a form of sexual education at some time or other in every person's life.

Pornography that normal people consider abnormal is also known in the trade as kinky and bizarre. In legal terminology it is perverted, and in biomedical terminology paraphilic. Paraphilias are psychiatric disorders or syndromes in which the afflicted person cannot be sexually aroused by normal heterosexual stimulation or imagery so as to perform the sexual act, but is dependent instead on abnormal stimulation and imagery.

Commercial pornography that depicts paraphilic scenes is made to appeal to an audience or readership that already has the particular paraphilia depicted. For example, sadomasochistic pornography appeals to people who are already either sadists or masochists. Normal people may be curious to find out what it looks like, but they have no sustained interest in repeated exposure to it. In fact they find themselves either bored by it, or actively repulsed by it.

Degeneracy Theory

One of the great scientific, legislative and legal mistakes of our times is the perpetuation of the theory that paraphilic pornography is socially contagious. This theory had its origin with the Swiss physician, Simon André Tissot, in the 1750's, and was part of the general medical theory of degeneracy. Degeneracy was attributed to loss of vital fluid in masturbation and by loss of the control of reason over the erotic passions in concupiscent, i.e., pornographic imagery, even in dreams. Degeneracy theory replaced demon-possession theory as the cause of all illness. It was, in turn, replaced by germ theory in the 1870's, but is still embedded in social policy by reason of the Comstock laws (1873) and is still used to explain social ills.

Without being explicitly aware of what they are doing, many psychologists and social scientists who do experimental research on pornography utilise degeneracy theory. It influences the way they design their experiments and the conclusions they draw from them, because they do not consider alternative explanations. The man on the street usually has enough sense to know better. Most people realize, for instance, that they could look at a hundred videotapes of amputees having sexual intercourse and never "catch" the syndrome of *acrotomophilia*. That is to say, they would never become, like an acrotomophiliac, absolutely dependent on the sight and feel of an amputee's stump in order to be sexually aroused and able to perform sexually. You have to already be afflicted with the syndrome of acrotomophilia (which has its genesis in childhood) in order to be turned-on by amputation stumps.

The principle involved here has widespread application. To illustrate: Though millions of children have received very explicit visual and written religious instruction on crucifixion, there has been no history of children returning from Sunday school to play crucifixion games, nailing their dolls or playmates to a cross. Why? Because they are taught about the Crucifixion in a moral context. By analogy, the same principle applies to explicit sexuality -- it can be taught in a moral context. The task that lies ahead is for society to train itself to be more capable of teaching the moral context and moral meaning of explicit sex, in all of its many forms, normal and abnormal. It will be impossible to achieve this goal if explicit sex itself is subject to increasing criminalization.

Instead of spending its money on the criminalization of sex, society would gain far more by legislating research funds directed to discovering first, the actual causes of the development of paraphilia in childhood and adolescence, and then its prevention. There would then ensue a generation constituted without abnormal sexuality and, therefore, without a market to sustain abnormal pornography.

In the meantime, those unfortunate enough to be afflicted with a paraphilic disorder do sustain a market for abnormal pornography. Each person buys, reads, or looks at only the type of material that matches his own abnormal fantasy and imagery. It is not that the pornography causes his abnormal condition. On the contrary, the pornography instead of driving him to carry out its theme in real life may actually do the opposite, and prevent such conduct. Patients who request treatment in a sex-offender clinic commonly disclose that pornography helps them contain their abnormal sexuality within imagination only, as a fantasy, instead of having to act it out in real-life with an unconsenting, resentful partner, or by force.

Senator **Specter**. Thank you very much, Dr. Money, and thank you very much, Mr. Weston.

The testimony is very informative. We have heard a great many points of view and we pause on the issue of causation in trying to understand human behavior. It is extraordinarily difficult to come to any firm conclusions in this field and we also pause perhaps even longer on the first amendment. Maybe we have more reference on the first amendment than for clinical science, but these are important issues and there is quite an impressive body of opinion on the other side about women's rights and you may be right, Dr. Money, that women have been second-class citizens for thousands of years and this is not a causative factor but there is a lot of consternation over these perils and there is especially a lot of concern as they relate to juveniles—and it is juveniles that are photographed or exposed to these materials.

So it is a matter that we will take a look at and your suggestion about a task force, we are not in the business of commissioning a task force but your suggestion sounds like a good idea to have some better understanding as to what goes into the makeup of the juveniles and perhaps if we cannot have a task force, perhaps we could have something out of the Office of Juvenile Justice and Delinquency Prevention direct some study to that line and we shall endeavor, we shall raise that question in this subcommittee.

So there are a number of lines where we can act based upon new ideas which come to us and there have been quite a few here today.

We thank you very much.

Mr. **Weston**. Senator, you mentioned one thing which we have not addressed and that is if the concern, is that adults are disseminating sexually explicit materials that were designed for adults, to juveniles, most States, for example, California, my home State, already have much more severe and stringent legislation barring that kind of dessemination by other than parents to juveniles and it would seem to me that if that were the concern, that would be the appropriate legislative thrust rather than to try to bar the publication of materials designed for adults, thereby limiting what adults could consume.

Senator **Specter**. Mr. Weston, we have moved in that direction. This subcommittee has produced legislation which has been signed.

Mr. **Weston**. Yes, I am familiar with it.

Senator **Specter**. Thank you very much, gentlemen.

[Whereupon, at 11:53 a.m., the subcommittee recessed to reconvene subject to the call of the Chair.]

APPENDIX

The Commonwealth of Massachusetts
Executive Office of Human Services
Department of Social Services
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Marie A. Matava
Commissioner

Tel: (617) 727-0900

TESTIMONY SUBMITTED TO THE U.S. SENATE JUVENILE JUSTICE SUBCOMMITTEE ON AUGUST 17, 1984 ON BEHALF OF THE MASSACHUSETTS DEPARTMENT OF SOCIAL SERVICES

Dear Mr. Chairman,

The Commonwealth of Massachusetts welcomes the increasing attention that is being devoted at the national level to the problem of child sexual abuse. Although it is difficult to determine the actual incidence of child sexual abuse, some national studies indicate that the incidence of this problem may be greater than the incidence of physical abuse. A retrospective study revealed that some form of childhood or adolescent sexual abuse may occur in as much as one third of the population.

The state Department of Social Services is the agency mandated to respond to reports of child abuse and neglect in the Commonwealth. For some time we have been documenting the rising trends in child sexual abuse with much concern.

During calendar year 1983, the Department substantiated reports of sexual abuse on 1,386 children which represents 11% of the total number of children with substantiated reports of abuse/neglect. More recent statistics further dramatize the magnitude of the problem.

From January to June of 1984 the Department received reports of child abuse/neglect on 20,269 children. Of these children, 2,281 (11%) were reportedly sexually abused. Upon investigation, the condition of 1,131 (50%) of these children was substantiated as sexual abuse.

A comparison of the first two quarters of calendar year 1984 shows that reports of sexual abuse are rising at a faster rate than reports of child abuse/neglect in general, and that substantiations of sexual abuse are rising fastest of all. The total number of children with reports of abuse/neglect was up by 14%. The number of children reported as sexually abused rose by 16%, while the number of children whose reported conditions of sexual abuse were substantiated upon investigation rose by 24%.

A further indicator of the seriousness of the abuse inflicted on these children is the number of cases that have been referred to the district attorneys under the state's relatively new Chapter 288 legislation, the D.A. Reporting Bill. Since the implementation of Chapter 288 in October, 1983, 457 (85%) of the total 560 cases referred to the D.A.s involved sexual abuse (rape or sexual exploitation). Of these children 71% are female and 29% are male. The majority (39%) are 6 to 12 years old, followed by 36% 0 to 5 year-olds and 25% 13 to 18 year-olds. Ninety percent of the alleged perpetrators are male. Most of them are fathers.

In light of these alarming statistics, the dearth of comprehensive prevention and treatment programs to address the problem of child sexual abuse raises much concern. A recent survey conducted by the Vermont Department of Social and Rehabilitation Services documented the fact that no New England state has a comprehensive, statewide sexual abuse prevention and treatment program, or programs. While some of the states are further along in terms of efforts to train staff and to foster cooperative efforts among all the agencies and professionals involved in such cases, a brief telephone survey indicated that no New England state has more than a few formal treatment programs presently in operation. Most of the states, however, have plans underway to improve their ability to provide such services.

In Massachusetts, we are fortunate in that Governor Dukakis and our state legislature not only recognized the problem of child sexual abuse but allocated $1.6 million to the Department of Social Services to be used during fiscal year 1985 for the creation of statewide prevention and treatment programs. At the present time, the Department is planning a comprehensive approach which targets resources for: prevention; the purchase of aids to be used during diagnosis and treatment; the use of consultants during investigation, assessment and ongoing case management; treatment programs; and the creation of self-help groups for after-care.

The sexual misuse of children is abusive and harmful by its very nature regardless of the overt presence or absence of physical force or threats of force. Engagement of children in such sexual activity abuses the power afforded to adults in the legitimate service of guidance and protection and may result, if unchecked and/or untreated, in the child's lifelong, serious emotional disability. We exhort the U.S. Legislature to enact legislation which not only supports but enhances the states' efforts to address the problem of child sexual abuse.

Respectfully,

Marie A Matava

Marie A. Matava
Commissioner,
Massachusetts Department
of Social Services